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CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH: CUTTACK

OA No.906 of 2013
Cuttack, this the 6th day of January, 2014

CORAM
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDICIAL)
THE HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

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Harekrushna Patel, aged about 27 years, S/o. Chudamani Patel, resident of ITPS F/89, At/Po. IB Thermal, Banaharpal, Jharsuguda, Odisha at present working as Airworthiness Officer, B.P.Airport, Bhubaneswar, Plot No. 140 (Manath) Near Kolathia Jagannath Temple, Algimia, Bhubaneswar, Dist. Khurda, Odisha.

.....Applicant
(Legal Practitioner – M/s.S.K.Rath, S.K.Naik)

Versus

Union of India represented through-

1. The Secretary, Department of Civil Aviation, Central Secretariat, New Delhi.
2. The Director General of Civil Aviation, Opp. Sabdarjang, Airport, New Delhi-110 003.
3. The Director Airworthiness, Civil Aviation Department, Govt. of India, NSC Bose, International Airport, Kolkata-750052.
4. The Deputy Director of Airworthiness D.G.C.A, Civil Aviation Department, B.P. Airport, Bhubaneswar, Dist. Khurda, Odisha.

.....Respondents

(Legal practitioner – Mr.L.Jena)

O R D E R

(Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

The first prayer of the applicant is for direction to the Respondents to relax the Recruitment Rule i.e. Civil Aviation Department (Group A and Group B Posts) Recruitment Rule, 1969

Alka

and read with amendment Rule 1990 and regularize the service of the applicant as Airworthiness Officer. But copy of the Recruitment Rules, has not been annexed to this OA nor has he produced the same for the perusal of this Tribunal when the matter was first listed on 26.12.2013 nor today. On being pointed out, Mr.Rath orally prayed to confine his prayer to the relief sought in Col.8 (ii) in which the Applicant has prayed to direct the Respondents to allow the applicant to continue as Airworthiness officer of Biju Patnaik Airport, Bhubaneswar till action is undertaken for regular appointment as per Rule.

2. Copy of this OA has been served on Mr. L.Jena, Learned Additional CGSC for the Union of India/Respondents who accepts notice for the Respondents. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

3. Heard Mr.S.K.Rath, Learned Counsel for the Applicant and Mr.L.Jena, Learned Additional CGSC appearing for the Respondents. Mr.Rath submitted that similar matter has been filed by similarly placed persons before the Principal Bench of the Tribunal wherein notice has been issued to the Respondents and in so far as the prayer for interim relief prayed for in the said OA before the PB, New Delhi in absence of any immediate threat opportunity was granted to the applicants therein to move if any adverse orders is passed against



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the applicant. Mr.Rath produced a typed copy of the order of the PB, New Delhi dated 30.12.2013 in OA No.4560/2013. Hence, Mr.Rath while ^a ^h prying for issuance of notice in the instant OA has prayed for grant of the ad interim relief prayed for in this OA. In this OA, the prayer of the applicant is to direct the Respondents to allow the applicant to continue as Airworthiness officer of Biju Patnaik Airport, Bhubaneswar till action is undertaken for regular appointment as per Rule. On perusal of records, we find that the engagement of the applicant was till 31.12.2013 and therefore the applicant is no more in his engagement. However, Mr.Rath submitted that no regular appointment has been made to the said post and the Respondents are trying to manage the work by appointing outsider on such casual basis which is against the law laid down by the Hon'ble Apex Court. One casual hand cannot be replaced by another casual hand is a well recognized principle enunciated by Hon'ble Apex Court in very many cases. Therefore, this OA is disposed of at this admission stage with direction to the Respondents that if they intend to manage the work, in question, by any casual hand, priority should be given to the case of the applicant for such engagement till the regular selection is made. There shall be no order as to costs.


(R.C.Misra)
Member (Admn.)


(A.K.Patnaik)
Member (Judicial)