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S. Behera Vrs. UOI

Admission Sl. No. 6
O.A. No. 260/00284 of 2014
Order dated: 01.05.2014

CORAM
HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)
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The applicant stated to have been working as a casual worker under the Respondents have filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for quashing of the notice published in the Employment News 15-21 March 2014 inviting applications for filling up of, besides other posts, the post of Stockman as direct recruitment.

2. Copy of this OA has been served on Mr. U.B.Mohapatra, Ld. Sr. CGSC appearing for the Respondents, who accepts notice for all the Respondents in this OA. 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. We have heard Mr. M.K.Pati, Ld. Counsel for the applicant, and Mr. U.B.Mohapatra, Ld. Sr. Central Govt. Standing Counsel for the Respondents, who is present in the Court, and have gone through the records.

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4. Be that as it may, the applicant himself has stated in this O.A. that earlier he had approached this Tribunal in O.A. NO. 461/98 for regular absorption in the post of Stockman. Respondents contested the matter and, after hearing, this Tribunal dismissed the said O.A. Being aggrieved, the applicant filed W.P.(C) No. 686/2005 before the Hon'ble High Court of Orissa, which is still subjudice.

5. The applicant has approached this Tribunal in the instant O.A. showing the existence of the post of Stockman and praying for quashing the advertisement with direction to absorb him in the said post. Since the matter relating to regular absorption is subjudice before the Hon'ble High Court of Orissa in W.P.(C) No. 686/2005, this being a development taken place in the meantime, he could have brought the same within the purview of the Writ Petition pending before the Hon'ble High Court of Orissa. This apart, we find that the applicant has straightway rushed to the Tribunal challenging the said advertisement without availing of the opportunity available to him by way of making representation.

6. In the aforesaid circumstances, since the Writ Petition is subjudice before the Hon'ble High Court on the very subject matter, we

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are not inclined to admit this O.A.. Accordingly, the O.A. is dismissed at the admission stage. There shall be no order as to costs.


MEMBER(Admn.)


MEMBER(Judl.)

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