

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No.260/001097 of 2014
Cuttack, this the 20th day of March, 2015

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

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1. Prasanta Kumar Nayak,
Aged about 53 years,
Son of Gangadhar Nayak,
At-Arisal, PO- Dandi, Chhatabara, Dist. Khurda.
2. Rajendra Mukhi,
Aged about 36 years,
Son of Narayan Mukhi,
At-Sutahat, Upper Sahi, PO- Buxi Bazar, Dist. Cuttack.
3. Surendra Nath Acharya,
Aged about 42 years,
Son of late Simanchal Acharya,
At-Bank Colony, 2nd Lane, At/PO/Dist. Rayagada.
4. Nrusingh Maharana,
Aged about 43 years,
Son of Baidhara Maharana,
At-Balibereni, PO- Garhnanatir, Dist. Khurda.
5. Raj Kumar Biswal,
Aged about 34 years,
Son of D.N.Biswal,
At-Bilasahi, PO/PS- Balikuda, Dist. Jagatsinghpur.
6. Bisikeshana Naik,
Aged about 3r years,
Son of late Laxmidhara Naik,
At-Arjunbania, PO- Kanto, Via- Ghasipur, Dist. Keonjhar.
7. Jagdish Maharana,
Aged about 38 years,
Son of late Madan Maharana,
At-Patkura, PO- Bahadurpetta, Dist. Ganjam.

.....Applicants

Advocate(s)... M/s. S.K.Dalai, P.N.Swain.

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Union of India represented through

1. Secretary,
Ministry of Finance,
Central Board of Excise and Customs,
North Block, New Delhi.
2. Chief Commissioner,
Central Excise and Customs and Service Tax,
Bhubaneswar-II, Central Revenue Building,
Rajaswa Vihar, Bhubaneswar, Dist-Khurda.
3. Regional Labour Commissioner(Central),
Kendriya Shrama Sadan, N-7, IRC Village,
Bhubaneswar, Dist. Khurda.

..... Respondents

Advocate(s)..... Mr. B.P.Nayak

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O R D E R (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. S.K.Dalai, Learned Counsel for the Applicants, and Mr. B.P.Nayak, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. M.A.No. 895/14 filed the applicants to prosecute this jointly is allowed. M.A. is, accordingly, disposed of.
3. Applicants have filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

“(i) why the impugned order dtd. 30.12.2010 under Annexure-A/8 shall not be quashed declaring the same as illegal, arbitrary, malafide, unconstitutional and contrary to the settled principles of law and rule of service jurisprudence;



(ii) why the respondents shall not be directed to consider the representation of the applicants to allow them to work in their respective work places with further direction to issue necessary direction to regularize the service of the applicants with retrospective effect and allow them for 1/30th pay scale for the interest of justice.

(iii) And pass such other relief.....”

4. Applicants in this O.A. have challenged the order dtd. 30.12.2010 issued by the Director, AD.III, dated 30.12.2010 in rejecting the recommendation of Respondent No.2 in considering their regularization in view of the direction of the Hon'ble Apex Court. They have further challenged the inaction of the Respondents, more particularly Respondent No.2, in considering their claim in allowing them to work in their previous work place in view of their initial appointment. Mr. Dalai, Ld. Counsel for the applicants, submitted that ventilating their grievances the applicants made representations vide Annexure-A/14 series before Respondent No.2 but till date they have received no response on their representations and the same are still pending consideration.

5. Taking into account the submission made by Mr. Dalai, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 2 to consider and dispose of the representations, if the same have been filed and are still pending consideration, keeping in mind the orders passed by the Hon'ble Apex Court with a well reasoned order and communicate the same to the applicants within a period of 30 days from the date of receipt of a copy of this order. However, if in the meantime the said representations have already been disposed of then the result thereof be communicated to the applicants within a period of two weeks.



6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.
7. As prayed for by Mr. Dalai, Ld. Counsel for the applicant, copy of this order, along with the paper book, be transmitted to Respondent No. 2 by Speed Post at the cost of the applicants, for which he undertakes to furnish the postal requisites by 24.03.2015.


(A.K.PATNAIK)
MEMBER(Judl.)

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