

to the continuance of the affected persons as DLR Engineers for discharging only some technical duties without the official designation or responsibility of Sub-Divisional Officers. There would also be no bar to granting them some age concession for direct recruitment in conformity with the existing rules or in pursuance of any general policy.

(c) As to the question of allowing degree holder Junior Engineers to hold the posts of Assistant Engineers with the scale of Junior Engineers or on adhoc basis, that matter would be decided separately while disposing of O.A. 2694(C) of 1998.

All the applications are disposed of with the above orders. No costs.

I agree

Sd/-H.P.Pas  
Vice-Chairman.

Sd/-S.F.Ahmed  
Member(Judl.)

Memo No. 7135 /dt. 5-10-2006.

Copy forwarded to Sri B. Rout, Advocate, Plot No. 278-2, At: P.O.-Saheednagar, BBSR(Adv. for the applicant in O.A. 504/04)/ Sri P.D. Acharya, Adv., 2/1/75, Aurobinda Nagar, 1st lane, Berhampur, Ganjam-760001(Adv. for the applicant in O.A. 1085/04)/Sri R.K. Sahoo, Adv., West Side of Ravi Talkies, Lewis Road, BBSR(Adv. for applicants in O.A. 417/04, O.A. 438/04, O.A. 451/04 & O.A. 453/04)/Sri Surya Narayan Patnaik, Plot No. 2171, Tankapani Road, BBSR(Adv. for the applicant in O.A. 744/04, O.A. 745/04, O.A. 746/04, O.A. 747/04 & O.A. 748/04)/Sri A. Rath, Adv., C-10, BJB Nagar, (Adv. for Respts. 3, 4, 5, 6, 7, 8, 9, 10 & 12 in O.A. 504/04 and for O.Ps. 3, 4, 6, 7, 8, 9, 12 & 13 in O.A. 417/04)/Govt. Adv., O.A.T., BBSR for information and necessary action with copy to 2nd brief and to O.As. 1085/04, 417/04, 438/04, 451/04, 453/04, 744/04, 745/04, 746/04, 747/04 and 748/04.

25-9-06

DEPUTY REGISTRAR.

Dy. Registrar  
Administrative Tribunal  
Bhubaneswar.





**Government of Orissa  
Department of Water Resources.**

No. FE-I-VI-B-7/2003(Pt-II) 23796 ... Dated 24.07.2004

From  
Sri B.P.Sarangi,  
Joint Secretary to Govt.

To,  
The Engineer-in-Chief, s  
Water Resources.

Sub: Posting of N.M.R./D.L.R.  
Degree Holder Engineers.

Sir,  
I am directed to request you that the N.M.R./ D.L.R. Degree holder Engineers, who have been posted in the Sub-Divisions may please be withdrawn and adjusted ~~them elsewhere~~ against any existing vacancies of the Irrigation wing by 30.07.2004, positively. Report in this regard may please be intimated to this Department early.

This may please be treated as most urgent.

Yours faithfully

Joint Secy. to Govt. DOWR

**Office of the Engineer-in-Chief,  
Water Resources, Orissa, Bhubaneswar.**

No.IE-VIP-1/2004 5704 Dated, the 26/7/04

Copy forwarded to CE, & Basin Manager, RVN Basin, Berhampur/ Chief Engineer, UII Project, Khatiguda/ Superintending Engineer, Southern Irrigation Circle, Berhampur, Asst. to Chief Engineer, Mechanical/ Estt. Mechanical Branch/ Ministerial Estt. Br. Personal file of N.M.R./D.L.R. Degree holder Engineers (10 Copies) to EG. Branch/ Guard File (5 Copies) for information and immediate necessary action

ORISSA ADMINISTRATIVE TRIBUNAL, BHUBANESWAR

CORAM : Hon'ble Sri H.P.Das, Vice Chairman  
Hon'ble Sri S.F.Ahmed, Member(Judicial)

Decided on 31st July, 2006

1. Original Application No. 504/2004
2. Original Application No. 1085/2004
3. Original Application No. 417/2004
4. Original Application No. 438/2004
5. Original Application No. 451/2004
6. Original Application No. 453/2004
7. Original Application No. 744/2004
8. Original Application No. 745/2004
9. Original Application No. 746/2004
10. Original Application No. 747/2004
11. Original Application No. 748/2004

1. O.A. 504/2004

1. P.Satyanarayan Patra
2. K.Soven Kumar Patra

- Versus -

... Applicants

1. Commissioner-cum-Secretary to Govt.,  
Water Resources Department, Bhubaneswar
2. Engineer-in-Chief, Water Resources,  
Orissa, Bhubaneswar,
3. Sri Nalin Kumar Patnaik
4. Sudhir Ranjan Das
5. Sarat Chandra Panigrahi
6. Saroja Kumar Nayak
7. N.Santosh Kumar Choudhury
8. Subrata Choudhury
9. Simanchal Satpathy
10. Bishnuprasad Panda
11. Sachidananda Nayak
12. Satyashri Mahapatra
13. Secretary, Orissa Public Service  
Commission, Cuttack



... Respondents



3. In the background of the above observations we are constrained to conclude that until the rules are amended, the current rules alone would continue to govern the fate of the applicants and that no NMR/DLR employee can be allowed to fill up a regular post on contract basis irrespective of the benefit that would accrue to the applicants. Accordingly, we quash Orders No. 7976/WR and 7981/WR dated 27.2.2004 (Annexure-3 in O.A.504/04 and Annexure-10 in O.A.1085/04) with the following directions :

(a) We direct respondent No.1 not to regularise the services of any of the contract employees appointed by Annexure-3 orders or similar orders that may be issued, until the Orissa Service of Engineers rules, 1941 recommended taking into account the ground realities, demands of cadre composition and the aspiration of both direct recruits and promotees and also keeping in view the fact that any action taken to circumvent the recruitment procedure and the selection process duly established would only be subversive and by all measures counter-productive in the end.

(b) We declare that the quashing of orders No. 7976 and 7981 dated 27.2.2004 would not be a bar

(contd.....P/23).