

Central Administrative Tribunal, Principal Bench

Original Application No.280 of 2002  
M.A.No.288/2002

New Delhi, this the 21st day of August, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman

1. Shri Chaman Singh  
S/o Shri Ganga Saran  
H.No.306, Nai Basti, Sabun Godam  
Maliyana, Meerut
2. Shri Raj  
S/o Shri Ram Swarup  
H.No.301, Sector-11, Shastri Nagar,  
Meerut
3. Shri Narinder Kumar  
S/o Shri Kartar Singh  
51, Mehendi Mohalla  
Kanker Khera, Meerut
4. Shri Shiv Kant Sharma  
S/o Shri Madan Mohan Sharma  
97, Indra Nagar, Brahmampuri,  
Meerut
5. Shri Dulichand  
S/o Shri Sujan Singh  
Village Ganwari, P.O. Abdullahpur  
Meerut
6. Shri Akash Sharma,  
S/o Shri Mohan Lal Sharma  
184, New Mohan Puri  
Meerut
7. Shri Naresh Kumar  
S/o Shri Rama Nand  
H.No.39, Mehendi Mohalla, Kanker Khera  
Meerut
8. Shri Shriniwas  
S/o Shri Tej Ram  
Vill. Ghant, P.O. Panchali Khurd  
Meerut
9. Shri Manoj Chand  
S/o Shri Ganga Prasad  
H.No.497/8, Boundry Road  
Meerut
10. Shri Pooran Singh  
S/o Shri Bhoorey Lal  
H.No.225, Nangla Battu  
Meerut
11. Shri Om Prakash  
S/o Shri Phool Singh  
Village Pahauli, Sardhana Road  
Meerut

12. Shri Nand Ram  
S/o Shri Bahadur Ram,  
B/6-7, Lekha Nagar  
Meerut Cantt.

13. Shri Naresh Kumar  
S/o Shri Budh Prakash  
Jamun Mohalla, Lal Kurti  
Meerut Cantt.

14. Shri Shyambir Singh  
S/o Shri Jeet Singh  
H.No.70/3, Boundry Road  
Meerut

15. Shri Sanjay  
S/o Shri Durga Singh  
Handia Mohalla, Shiv Chowk Jhuggi  
Lal Kurti, Meerut

.... Applicants

(By Advocate: Shri V.P.S.Tyagi)

Versus

1. Union of India (Through Secretary)  
Ministry of Defence, New Delhi.

2. The Financial Advisor,  
Ministry of Defence (Finance Division)  
New Delhi

3. The Controller General of Defence Accounts  
West Block-V, R.K.Puram  
New Delhi

4. The Controller of Defence Accounts (Army)  
Meerut Cantt.

.... Respondents

(By Advocate: Shri B.S.Jain)

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

M.A.No.288/2002 for joining together in a single OA, is granted.

2. Applicants were appointed as casual labour in the office of the C.D.A. (Army) Meerut and of C.D.A.(ORS) North, Meerut Cantt. on daily wages during the period 1.5.89 to 1.5.90. They have been granted temporary status during the period 1.9.93 to 9.3.95. By the present OA, a prayer is made for direction to the respondents to consider



their claim for regularisation of services and permanent absorption in Group 'D' posts. Candidates who are similarly circumscribed as the applicants herein had instituted OA No.2488/99 which was allowed by an order passed on 11.10.2000 (Annexure A-4) with a direction to the respondents to consider their claim for regularisation in Group 'D' posts within a period of six months from the date of receipt of a copy of the order.

3. I have heard the learned counsel appearing on behalf of the contending parties and I find that the applicants herein are similarly circumscribed as the applicants in the aforesaid OA No.2488/99. Applicants in the aforesaid OA have been regularised as per directions contained in the aforesaid OA.

4. The learned counsel appearing on behalf of the applicants has handed over a seniority list of casual labourers which contains the names of the applicants in the aforesaid OA No.2488/99 and who have been granted regularisation in terms of the aforesaid order of the Tribunal. Applicants in the present OA are also arrayed in the aforesaid seniority list and several of them have been shown senior to those who have been granted regularisation.

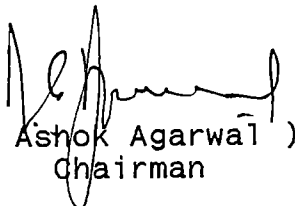
5. Shri Jain, the learned counsel appearing on behalf of the respondents has sought to contend that aforesaid list is not a seniority list. The said contention, in my view, cannot be countenanced as this is a document which has been prepared and maintained by the



Accounts Department of the respondents. It is a document which has come from the possession of the respondents. If one has regard to the aforesaid seniority list, claim of the applicants herein cannot be denied on the ground that their claim will be considered at a later stage in their turn. This is specially so when several of the applicants are arrayed seniors to those who have already been granted regularisation.

6. Shri Jain has next contended that there is a ban on fresh appointments and regularisation. Aforesaid ban was in existence even when the orders were passed by the respondents granting regularisation in terms of the aforesaid order.

7. In the circumstances, I find that the claim made in the present OA deserves to be granted. The present OA is accordingly allowed and respondents are directed to consider the applicants for grant of regularisation in Group 'D' posts in accordance with the recruitment rules. This be done within a period of six weeks from the date of receipt of a copy of this order. No costs.

  
( Ashok Agarwal )  
Chairman

/dkm/