

IN THE CENTRAL ADMINISTRATION TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 106/2001

This the 9th day of August, 2001

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

1. Shri Tayub Khan
S/o Shri Ayub Khan,
R/o B-48/16, Gali Pradhanwali,
Jauhripur Extension, Delhi-94.
2. Shri Pramod Kumar
S/o Shri Nand Lal
R/o D-167, Mansarover Garden, New Delhi.
3. Shri Anil S/o Shri Ram Kishan
R/o Block-17, House No.862,
Baba Kharak Singh Marg, New Delhi-110001.
4. Shri Ramesh Chand
S/o Shri Sama Singh
R/o 8/289, Eash Gokulpuri,
Harijan Basti, Loni Road, New Delhi-110003.
5. Shri Mohan Singh
S/o Shri Inder Singh
R/o D-35/1, Moti Bagh, New Delhi.
6. Shri Sunil Kumar
S/o Shri Ram Phool
R/o B-8/16, Gali Pradhanwali,
Jauhripur Extn., Delhi-94.

(By Advocate: Shri T.D. Yadav)

..... Applicants

VERSUS

1. Union of India, through its
Secretary, Ministry of Human
Resources, Development,
Deptt. of Woman & Child Development
A-Wing, Shastri Bhawan,
New Delhi-110001.
2. The Secretary,
Department of Education
Ministry of Human Research Development
C-Wing, Shastri Bhawan,
New Delhi-110001. Respondents

(By Advocate: Shri P.H. Ramchandani)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (Judl)

This is a joint OA filed by six applicants.

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They have a grievance that the respondents are not considering reengagement/appointment as casual workers after granting temporary status to all the applicants and instead their junior Dhani Ram Bhatt has been re-engaged in 1998. It is also stated that 5 posts of Group 'D' (Peon) are lying vacant as per the departments own letter dated 26.4.2000 but till date the same posts have not been filled up by the applicants although as per the Government scheme dated 10.9.93 that even without any regular vacancies the applicants should be reengaged from the date of granting of temporary status. It is also stated that the representation was also made, but to no effect.

2. The respondents in their reply admitted that the applicants have been granted temporary status but it is stated that there are no vacancies lying vacant against which the applicants may be appointed.

3. It is also admitted that as per the judgment of the Tribunal the respondents were directed to grant temporary status to the applicants as per Annexure R-1 and based on the directions of the Tribunal the department had conferred temporary status on all the six applicants from the date of issue of the order, Annexure R-1.

4. Further as for re-engagement is concerned, it is stated that at present there are no vacancies available so applicants cannot be re-engaged.

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5. As regards the allegation that one Dhani Ram Bhatt who is junior to the applicants has been engaged, it is submitted that the said Shri Dhani Ram Bhatt was appointed in response to a nomination received from Employment Exchange on 30.9.96 when names were called for certain vacancies from the Employment Exchange but at that time there were no directions for granting temporary status to the applicants or reengaging them in preference to juniors and freshers.

6. I have heard the learned counsel for the parties and gone through the records of the case.

7. The learned counsel appearing for the applicant has also referred to a letter written by Secretary, Women and Child Development vide Annexure-F wherein the said Secretary had submitted the position of vacancies and had requested the Education Secretary, Department of Secondary Education and Higher Education, Shastri Bhawan, New Delhi to look into the matter so that the vacancies of Group 'D' may be filled up. Referring the same the learned counsel for the applicants submitted that since 5 vacancies are still available so the applicants should be reinstated with at least a temporary status against those vacancies if not regularised.

8. In reply to this Shri Ramchandani appearing for the respondents submitted that when this letter was written by the Secretary, Women and Child Development probably the said officer was not aware that the department of expenditure has imposed 10% cut in the posts and after that cut was introduced out of total of

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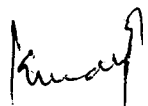
183 vacancies of Group 'D' at least 18 posts had to be cut so no further appointment could be made in the Group 'D' posts. However, Shri Ramchandani states that as and when the vacancy would be available they will re-engage the applicants in accordance with the rules and instructions.

9. To my mind also merely reporting of vacancies by the Secretary, Women and Child Development do not show that the vacancies are available in accordance with the rules because as per the submissions made by the respondents the entire cadre is being controlled by the Education Secretary of the department of Secondary Education and it is he who is responsible for re-engagement and regularisation of services of the applicants though the applicants might had worked in the department of Women and Child Development under the Secretary who had reported these 5 vacancies. In view of this situation, I find that those 5 vacancies might have been be available in the department of Women and Child Development when there was no cut since after the cut vacancies had been reduced and at present since no vacancy is available so no direction can be given to the respondents to re-engage the applicants. However, the counsel for the respondents has himself submitted at the Bar that as and when vacancies would be available the applicants would be re-engaged in accordance with the rules and instructions on the subject. So in view of this statement this OA can be disposed of with a direction to the respondents that as and when the vacancies would be available, the respondents shall re-engage the applicants in accordance with the rules and instructions.

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10. OA is disposed of with the above directions.
No costs.


(KULDIP SINGH)
MEMBER (JUDL)

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