

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

9

O.A./T.A. No. 2307/95 /19 Decided on: 9.4.96

Ashim Kumar Khan & Anr. APPLICANT(S)
(By Shri U. Srivastava Advocate)

VERSUS

Union of India & Anr. RESPONDENTS
(By Shri M.K. Gupta Advocate)

CO RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~SHRI~~ DR. A! VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal ? No

Adige
(S.R. ADIGE)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

(P)

O.A. No. 2307/95

MA No. 2981/95

MA No. 315 /96

New Delhi: this the 9th April, 1996.

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J).

1. Ashim Kumar Khan,
S/o Shri Probat Kumar Khan,
r/o c/o Mr. R.S. Balhara,
H.No.36, Vill. & Post-
Nebrarai, New Delhi.

2. Sanjay Sharma,
S/o Sh. Uma Shankar Sharma,
R/o 106, RPS DDA Flats,
Mansarovar Park, Shahdara,
New Delhi.

.....Applicants.

By Shri U. Srivastava, Advocate.

Versus

1. Union of India through
(GOI, Ministry of Planning & Programme Implementation)
the Secretary,
Department of Programme Implementation,
Sardar Patel Bhavan,
New Delhi-1,

2. The Under Secretary,
Dept. of Programme Implementation,
Sardar Patel Bhavan,
New Delhi

.....Respondents.

By Shri M.K. Gupta, Advocate.

JUDGMENT

By Hon'ble Mr. S.R. Adige, Member (A).

We have heard applicants' counsel Shri U. Srivastava and respondents' counsel Shri M.K. Gupta.

2. In so far as the prayer for restraining the respondents from compelling the applicants to sign the impugned contract form is concerned, we record the assurance given by the respondents' counsel at the bar based upon respondents' reply to the OA that they will not compel the applicants to sign the contract.

(R)

forms.

3. In so far as regularisation of applicant No.1 (Shri A.K.Khan) is concerned, such regularisation can take place only subject to the availability of vacancies in accordance with rules. Furthermore, there is no averment made by Applicant No.1 that persons similarly situated, but junior to him, have been regularised, but he has been excluded to invite the charge of discrimination. Hence no direction can be issued on this account.

4. In so far as the prayer to allow Applicant No.2 to perform his duties, till work is available, is concerned, it is evident that the applicants were engaged for earmarked work of short-term duration, and the respondents cannot be compelled to retain persons when the work-load no longer requires their retention. Hence this prayer also fails.

5. This OA is disposed of in terms of what has been stated above. *Ab Cwth*

A.Vedavalli

(DR.A.VEDAVALLI)

MEMBER (J)

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(S.R. ADIGE)
MEMBER (A)

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