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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1040/2000

New Delhi this the 2nd day of November, 2001.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

1. Smt. Sona Devi,
W/o Shri Harish Chand,
338, Supply Depot, Type 'A'
Army Supply Corps. Mathura Cantt.

2. Smt. Kishan Devi,
W/o Sh. Mange Lal,
H.No.1465, Mohalla Raigarh,
P.O. Sadar Bazar,
Mathura, U.P.

-Applicants

(By Advocate Shri D.N. Sharma)

-Versus-

1. Union of India through
the Secretary to Govt. of India,
Ministry of Defence, South Block,
New Delhi.

2. The Adjutant General,
Adjutant General's Branch,
A.G. Org. 4 (Civ) (b) Army HQ,
DHQ Post office, New Delhi.

3. The Quarter Master General,
Quarter Master General's Branch,
(Q1(c)), Army HQ, DHQ PO, New Delhi.

4. The Director General Supply & Transport,
Quarter Master's General Branch,
Army Headquarters, DHQ Post Office,
New Delhi.

5. The Officer Commanding,
338 (I) Platoon Supply, Type 'A',
Army Supply Corps., Mathura Cantt.

-Respondents

(By Advocate Shri A.K. Bhardwaj)

O R D E R (Oral)

By Mr. Shanker Raju, Member (J):

This OA is disposed of at the admission stage. MA for joining together is allowed. The claim of the applicants is for engagement and regularisation on Group 'D' posts on the basis that they had worked for nearly 16 years with the respondents. A legal notice was served upon the respondents and in pursuance thereof it has been stated by the respondents that as per the record available the

applicants have been hired on need basis from the year 1995 and not 1981 as mentioned by them. It has been further stated that as the Government has imposed a ban on hiring of casual labours the claims of the applicants would be considered in preference to juniors and freshers on lifting of the ban. The learned counsel of the applicants in this conspectus, by referring to communication dated 24.7.90 by the Minister of State, Ministry of Defence contended that therein it has been mentioned that the ban does not apply to casual labours. In this backdrop, it is stated that as there is no ban the applicants be re-engaged and considered for regularisation as they are otherwise eligible for consideration.

2. The learned counsel for the respondents, at the outset, stated that the letter of the Minister dated 24.7.90 has no application as later on the Government in 1993 imposed a ban on filling up of the vacancies for casual labours etc. However, it is fairly stated that in the event the ban is lifted and as per the seniority of the applicants their claim would be considered both for re-engagement and regularisation in accordance with the rules and instructions on the subject.

3. Having regard to the submissions made above, the OA is disposed of with a direction to the respondents to consider the claim of the applicants for regularisation, keeping in view the service rendered by them and having regard to their seniority, on availability of vacancies and as soon as the ban is lifted. The respondents are also directed to consider re-engaging the applicants in case the

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vacancies and work are available with them. The aforesaid consideration would be strictly on the basis of the rules and instructions and length of service. No costs.

S. Raju
(Shanker Raju)
Member (J)

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