

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH; NEW DELHI

O.A. No. 1557/89

New Delhi this 11th day of April 1994

The Hon'ble Mr. J.P. Sharma, Member (J)

The Hon'ble Mr. B.K. Singh, Member (A)

Shri Chand Singh,
Son of Shri Hari Singh,
Canteen Stores Department Depot,
Kirbi Place, New Delhi. ... Applicant
(By Advocate: None)

Versus

1. General Manager,
Canteen Stores Department,
Adelphi,
Bombay-400 020.

2. Area Manager,
Canteen Stores Department,
Kirbi Place,
New Delhi

... Respondents

(By Advocate: Shri VSR Krishna)

ORDER (Oral)

Hon'ble Mr. J.P. Sharma, Member (J)

The applicant, Shri Chand Singh, was ceased from work with effect from 1.8.1989 by the Area Manager (Canteen Stores Department Depot, Kirbi Place, New Delhi. He filed the application that the respondents be directed to reinstate the applicant without any break in service and regularise him in his appointment. The Bench by its interim direction to the respondents by the order dated 6.11.1989 gave the relief to the applicant that he should be given preference in engagement over the outsiders. The respondents contested this application and stated that in view of the Government of India's instructions OM No. 49014/2/86 Estt. 'C' dated 21.1.1989 has been issued. Another instructions have been issued on 17.10.1988 to all CSD Depots

including Delhi Depot whereby the Ministry of Defence directed to draw all India seniority panel and give permanency to the Sr. Group 'D' staff working in the department. The respondents drew the seniority list and employed the senior-most candidates as per the existing vacancies. Since the applicant was too junior to employees, his services was no more required for want of vacancy. He has been ceased from service.

2. None is present on behalf of the applicant. Shri V.S.R. Krishna on behalf of the respondents. The case of the applicant is that after he was sponsored by the Employment Exchange, the applicant was engaged in different periods in the year 1987-88 and 1988-89. The applicant has completed more than 240 days work. The applicant, therefore, should have been regularised in his appointment. The fact is that the respondents as per directions issued in the OM of Ministry of Defence referred to above gave permanency in order of seniority filling up the existing vacancies. The applicant could not come within the zone of seniority as per the number of working days he has put in. It is not the case of the applicant that persons who have been junior to him have been retained. In view of this fact the applicant has no case. The applicant is not governed by the provisions of Industrial Disputes Act, 1947 as the Canteen Stores Department is a Central Government Department under the Ministry of Defence.

3. In view of the above the applicant has no case for regularization or for continuing in service with Respondent No. 2.

4. However, if the persons junior to the applicant on the basis of number of days of work put with respondents No. 2, are engaged, then only the applicant can have a claim.

The applicant can also have a claim if freshers are appointed without considering the applicant for any vacancy arises either by casualty or sanction. The learned counsel for the respondents have no objection for engagement of the applicant, if any vacancy exist in future and he comes within the zone of consideration and shall be considered alongwith the other eligible sponsored candidates by the Employment Exchange.

5. The applicant is not present. Since this is an old matter, we propose to decide the same on merit. The application, therefore, is dismissed but if there is any vacancy, the applicant shall also be considered on the basis of seniority of the number of working days he has put in alongwith the other eligible sponsored candidates by the Employment Exchange. The application, therefore, is disposed off with no order as to costs.

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

Doe
(J.P. Sharma)
Member(J)