

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL
BENCH, NEW DELHI,

Original Application No. 1607 of 1987

Babu Din

;..... Applicant

Versus

Union of India and others

..... Respondents

CORAM:

Hon. Mr. Justice U.C. Srivastava, V.C

Hon. Mr. S.R. Adiga, Member(A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Carpenter on daily rated basis in the month of February 1983 vide muster roll No. 185/EE/FCD/82-83 and he was also engaged on muster roll on 26.2.83. Admittedly he continued to work as such since then. The examination was conducted by the department on 10.4.86. All the candidates except the applicant who were declared successful in their trade tests on 10.2.86. The applicant also qualified for appointment to the post of Carpenter while all those who qualified along with the applicant have been absorbed, the applicant has been ignored and thus discriminated. The applicant could not be absorbed due to non availability of the post of carpenter, as such he has approached this Tribunal.

2. The respondents have opposed this application and have stated that all the candidates except the appli

cant declared successful in the trade test and the applicant being junior carpenter he could not be absorbed due to non availability of vacancy of carpenter he could not be absorbed. As regards a lone post of carpenter is concerned it is laid down that the applicant is to be regularised against the direct quota. There is no vacancy under the purview of direct quota and there appears to be no denial of the fact already stated.

3. Learned counsel for the applicant pointed out that for assistant carpenter the method of 100% by promotion on the basis of seniority cum fitness. It is denied that the vacancy was not available, rather it was vacant even at the time when the applicant has been declared successful and still it is lying vacant, but the applicant is not being absorbed inspite of existence of vacancy. The applicant is to be regularised against direct quota as alleged, but he is to be regularised against the vacant post of carpenter which fallen vacant even at the time of his being declared successful and still lying vacant and the applicant is to be regularised like other candidates. If any post of carpenter/assistant carpenter which is to go by way of promotion the respondents are directed to consider the case against the applicant for absorption within a period of three months. With these observations this application stand disposed of finally with no order as to costs.

[Signature]
Member (A)

[Signature]
Vice Chairman

Dated: 19.3.1993

(Uv)