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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

CCP 139/93 in
OA-696/91

Date of decision: 20.9.93

Hans Raj

... Petitioner.

Versus

Shri H.R. Sehgal,
Pay and Accounts Officer,
Ministry of Health and
Welfare Family,
New Delhi & Anr.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the petitioner - Shri V.P. Sharma,
 Counsel.

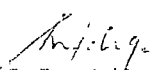
For the respondent - Ms Mittal proxy for Shri
 K.C. Mittal, Counsel.

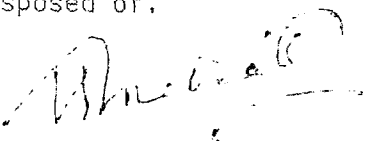
JUDGEMENT(ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

There are two directions which have been issued by this Tribunal, the violation of which have been complained in this case. The first direction is that the petitioner should be taken back in service by the respondents if a person who has put in lesser days of service in Group 'D' continues to be employed. The other direction is to consider his case for regularisation. So far as the first direction is concerned, the petitioner was taken back in service but came to be disengaged. Once again, he has been reengaged on 3.5.1993. This is to indicate that as and when there is the work, the petitioner is being engaged in preference to those who have lesser period of service. We do not, therefore, consider it appropriate to take action under the contempt of courts act in this behalf.

2. As regards the claim of the petitioner for regularisation, the respondents have taken the stand that according to them the petitioner is not eligible for regularisation. Shri Sharma, learned counsel for the petitioner, submitted that according to the relevant orders, the petitioner is eligible for regularisation. The Tribunal has only directed consideration of the case of the petitioner whether he is qualified for regularisation in accordance with the rules. As on consideration it was found that the petitioner is not entitled to regularisation, it is open to him to question the correctness of the same in the appropriate proceedings. That complaint cannot be examined in these proceedings. With these observations, this CCP is disposed of.


(S.R. Adige)
Member(A)


(V.S. Malimath)
Chairman

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