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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO. 1463/92

DATE OF DECISION: 17.09.1992.

SH. TEJ PAL

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APPLICANT

VERSUS

APPELLATE TRIBUNAL FOR
FOREFEITED PROPERTY & ORS.

RESPONDENTS

CORAM:-

THE HON'BLE MR. S.P. MUKERJI, VICE-CHAIRMAN

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

COUNSEL FOR THE APPLICANT : SH. J.P. SINGH

COUNSEL FOR THE RESPONDENTS : SH. P.H. RAMCHANDANI,
SR. COUNSEL.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT(ORAL)

(delivered by Hon'ble Sh. S.P. Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties on this application in which the applicant who belongs to shceduled caste community and was working as casual labour in the Appellate Tribunal for Forefeited Property, New Delhi has challenged his posting at Calcutta in Group 'D' post. His posting in group 'D' post is incidental ^{to} and in compliance of the judgement of this Tribunal dated 10.1.1992 in O.A.No.2023/91. The operative portion of that judgement reads as follows:-

"(i) The impugned order of termination of services of the applicant is set aside and quashed. The respondents are directed to continue the services of the applicant as a casual labourer in the vacancies of Group'D' posts available in the Ministry of Finance

and its attached/subordinate offices at Delhi/elsewhere, depending on the availability of vacancies.

(ii) The respondents are directed to consider regularisation of the applicant in a suitable Group 'D' post and for this purpose, the upper age limit as well as qualification should be deemed to have been relaxed having regard to the period of service put in by him.

(iii) The respondents shall comply with the above directions within a period of three months from the date of communication of this order."

2. From the records, it is clear that the applicant herein was offered an appointment in the aforesaid Appellate Tribunal as Peon-cum-Messenger vide memorandum dated 28.4.1992 placed at Annexure 'B'. The offer of appointment was ^{accepted} ~~accepted~~ by the applicant and he reported for joining duty vide ^{the} ~~the~~ order dated 29.4.1992 at page 16 of the paperbook. The learned counsel for the applicant pointed out that the applicant was not ^{absorbed} in a Group 'D' post of peon-cum-messenger but ^{has been retained} ~~as~~ a casual worker w.e.f. 30.4.1992, pending police verification, medical reports, etc. The applicant accepted the offer of engagement on 30.4.1992. Instead of regularising the applicant in the aforesaid group 'D' post in the Appellate Tribunal in Delhi, vide ^{the} ~~the~~ endoresement to ^{the} ~~a~~ D.O. letter dated 11.5.1992 at Annexure-D, the applicant was directed to report to the office of the Chief Commissioner of Income Tax, Calcutta, for taking over in group 'D' post and the offer of appointment issued to him at Annexure-D was cancelled.

3. When the case was taken up for admission and arguments, today, Sh. P.H. Ramchandani, Sr.Counsel for

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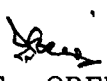
the respondents stated that the post of peon-cum-messenger in the office of the Appellate Tribunal had been proposed for being surrendered in view of the fact that the work in the Appellate Tribunal has come down ^{almost to a negligible level} ~~steeply~~. He also indicated that some posts of Superintendents, Private Secretaries, Asstts., Court Masters and Stenographers have also been surrendered and incumbents have been repatriated to their parent departments. He also indicated that a post of Member of the Appellate Tribunal which is lying vacant has not been filled up. The learned counsel for the respondents stated that ~~though~~ it ^{would be} a futile ^{exercise to} ~~experience~~ in absorbing the applicant in the aforesaid post i.e. peon-cum-messenger which is likely to be abolished in the near future.

4. The learned counsel for the applicant, however, stated that the direction of this Tribunal in O.A. 2023/91 entitles the applicant to be absorbed in a suitable group 'D' post. As a casual worker belonging to Scheduled Caste community, it will be very harsh on him if he is directed to work at Calcutta far away from his native place. He, therefore, argued that so long as the post of peon-cum-messenger is available in the Tribunal, there is no reason to shunt out the applicant to Calcutta. He further stated that there would be other alternatives and in the event of post being abolished, ^{an} ~~the~~ alternative postings for the applicant in Delhi or in the neighbourhood of Delhi ~~could~~ still to be available to him. He also

pointed out the policy of the government that scheduled caste and scheduled tribe ~~employees requires~~ group 'D' employees, as far as possible, be retained near their native places.

5. In the conspectus of facts and circumstances and with the consent of the learned counsel for both the parties we admit the application and dispose of the same ^{at this stage} with the direction to the respondents to appoint the applicant forthwith in the group 'D' post of peon-cum-messenger in the aforesaid Appellate Tribunal, as the medical examination and police verification formalities have ^{since} been completed. The O.A. is disposed of accordingly.

6. There will be no order as to costs.


(T.S. OBEROI)
MEMBER(J)


17.9.92
(S.P. MUKERJI)
VICE CHAIRMAN