

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 694/92

Date of decision: 22.01.93

Sh. Naut Ram

Applicant

Versus

Union of India

Respondents

Sh. S.S. Tiwari

Counsel for the applicant

Sh. T.K. Sinha

Counsel for the respondents.

CORAM

Hon'ble Sh. P.K. Kartha, Vice Chairman (J)

Hon'ble Sh.B. N. Dhoundiyal, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgement? *Yes*

2. To be referred to the Reporters or not? *Yes*

J U D G E M E N T

Of the Bench delivered by Hon'ble Sh. B.N.  
Dhoundiyal, Member(A)

The applicant in this OA Sh. Naut Ram is aggrieved that though his juniors have been regularised by the respondents in 1987 and 1991, his case has not been considered at all.

2. The applicant was employed on Muster Roll in the year 1977 and claims to have worked for 284 days during 1977, 1978 and 1979. The list of 1987 had taken into consideration for regularisation, many persons junior to him and even those who had worked for only 180 days. He submitted his representation to the respondents on 1.12.88 requesting them to recommend his name to CWE, Palam for appointment as permanent Mazdoor. However,

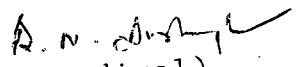
so far as he has not even been called for the interview. He has prayed for direction to the respondents to appoint him as a Mazdoor against a permanent vacancy, as has been done in the case of his juniors.


2. On 12.3.92, an interim order was passed by this Tribunal directing the respondents to consider the case of the applicant for appointment as Mazdoor if vacancy is available and in preference to persons with lesser length of service and outsiders. This order has been continued till date.

3. The respondents have denied that Sh. Naut Ram has worked with them at all and have submitted a photocopy of the report of the Auditor (Annexure-R.1). They have alleged that the certificate at Annexure-8 to the OA is spurious and faked.

4. We have gone through the records of the case and heard the learned counsel for both parties. The denial by the respondents of having engaged the services of the applicant at all takes away the very bases of his claim. Under the circumstances, the only relief that can be given to him is that his representation shall be considered by the respondents and he shall be given an opportunity to prove the service claimed by him. On such verification, if it is found that he has worked for the period claimed by him, he should be considered for engagement in preference to his juniors and outsiders subject to a vacancy being available.

There will be no order as to costs.

  
(B.N. Dhoundiyal) 22/11/93  
Member (A)

  
(P.K. Kartha) 24/3  
Vice Chairman (J)