

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 114/92
T.A. No.

199

DATE OF DECISION 18.8.93

<u>Shri Virender</u>	Petitioner
<u>Shri V.P. Sharma</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India</u>	Respondent
<u>Mrs. Avnish Ahlawat</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. J.P. SHARMA MEMBER (J)

The Hon'ble Mr. S. GURUSANKARAN MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT-ORAL

This judgement was delivered by Hon'ble Shri
J.P. Sharma, Member (J)

We have heard the learned counsels at length. The learned counsel for the applicant has pointed to a judgement given in OA No. 3107/91 by the Principal Bench dated 27.11.1992 in the case Bal Kishan and others Vs. Union of India. That O.A. was disposed of with the following directions:

- 1) The respondents are directed to take a decision on amendment of the Recruitment Rules within a period of three months, failing which they should give an opportunity to the applicants along with other candidates sponsored by the Employment Exchange, to be considered for the appointment against regular posts;

.....2/-

22

- 2) Till such regular appointments are made, the applicants shall be retained in their respective posts of Chowkidars/Caretakers.
- 3) Even after regular selections have been made, the names of the remaining applicants shall be kept in a live register so that they may be absorbed in future temporary/regular vacancies.

1991
By order dated 17th December/1991 passed by the ^{Appointing} ~~Disciplinary~~ Authority the name of the applicant is mentioned as Vijender Singh with designation as Caretaker for ^{dis} continuance in service along with eight others, some of them were also working as caretakers and others as Chowkidars. These persons are Bal Kishan, Rajender Kumar and five others. Bal Kishan has filed an application along with some other persons referred to above, in which the direction has been issued as quoted above. Shri Rajender Singh, who is also affected by this impugned order dated 17th December, 1991 at serial number 8, did not join as an applicant with Bal Kishan and others in OA 3107/91 and has filed a separate OA 23/92, which came for hearing before the Principal Bench decided on 26th May, 1993 whereby the Bench has ordered " as to why this application should not be disposed in terms of the final order passed in OA 3107/91. We direct the respondents to comply with the directions given in OA 3107/91 in the case of the Petitioner also."

2. The present applicant Virender, whose correct name is also Virender, but mentioned in the order as Vijender Singh^{as} has been confirmed by the learned counsel for the respondents on instructions from the departmental representative, which also claimed the same benefit, / have been given to the other similarly situated employees working in the directorate of Social Welfare mentioned in the impugned order dated 17th December, 91. We have gone through the judgement of both the OAs referred to above and find that the same counsel for the

respondents ²³ynish Ahlawat appeared. She is appearing in
the present also.

3. ^{just} ~~Dis~~ ^{be done to} I should not only ~~to do~~, but the same ^{should be seen} has to
be done. We ^{to} subscribe the view taken by the Principal
Bench in ~~come~~ to the conclusion in the above OAs. In view
of that we all dispose the present application with the
direction to the respondents that applicant also be given
the same benefit as has been agreed or likely to be given
to the similarly situated caretaker/chowkidars mentioned in the
impugned order dated 17th December, 1991. This OA is, therefore,
disposed of. No costs.

S. Gurusankaran
18/8/93
S. GURUSANKARAN
MEMBER (A)

J. P. Sharma
J. P. SHARMA
MEMBER (J)