

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 305/96

MONDAY THIS THE 25TH DAY OF NOVEMBER, 2002

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

HON. MAJ GEN K.K. SRIVASTAVA, MEMBER-A

Hem Chand,  
a/a 30 years,  
s/o shri Bhawani Dutt,  
r/o Servant Quarters,  
Archaeological Survey of India,  
Fatehpur Sikri  
Rest House, Fatehpur Sikri,  
Agra. ....Applicant.

Counsel for the applicant :- Shri K.C. Sibha

Versus

1. Union of India,  
Through Secretary Department of  
Culture, Ministry of Human Resource  
Development, Govt. of India,  
New Delhi.
2. Director General,  
Archaeological Survey of India,  
Janpath,  
New Delhi.
3. Superintending Archaeologist,  
Archaeological Survey of India,  
Agra Circle, 22, The mall Agra-1.

....Respondents.

Counsel for the respondents:-Shri S.K. Anwar.

O R D E R

HON. MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN

By this O.A, under section 19 of Administrative



Tribunals Act, 1985, applicant has prayed for a direction to respondents to issue the appointment letter in Group-D Cadre retrospectively w.e.f. the vacancy has occurred. The facts

2. The facts of the case giving rise to this application are that the applicant <sup>✓ was ✓</sup> engaged as a Casual Labourer in the year 1980 at Fatehpur Sikri under the control of Superintending Archaeologist, Archaeological Survey of India, Agra Circle 22, since then applicant is serving, as per <sup>the</sup> counter affidavit. It is clear that applicant was promoted from time to time and while he was serving as Mason Attendant he was granted temporary status w.e.f. 1-9-1993. It also appears that screening of Casual workers was started for purpose of regularisation but only 36 Casual labourers could be regularised since only 36 vacancies were available. Thereafter attempt was made to start <sup>fresh</sup> screening. Screening committee was constituted in 1994 <sup>wherein</sup> Sri P.K.Saran, Deputy Superintending Archeologist <sup>as member</sup> as chairman and four other officers but the said screening could not be completed on account of transfers and retirement. The claim of the applicant is pending since then. Learned counsel for the applicant has submitted that from the counter affidavit it is clear that the vacancies are there and screening process was also started but it could not be completed and applicant is not being

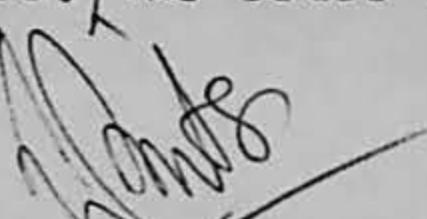
::3::

granted regularisation for which he is legitimately entitled.

3. Shri S.K.Anwar counsel for the respondents, on the other hand, submitted that on <sup>the</sup> part of the respondents a genuine attempt was made to regularise the applicant but it could <sup>not</sup> materialise on account of retirement and transfers of the members of the screening committee and <sup>the</sup> respondents are not at fault in any way.

4. Considering the facts and circumstances, <sup>and</sup> the submissions made by the counsel for the parties, in our opinion, ends of justice will be served if respondents are directed to initiate screening and complete the process of regularisation of applicant and other casual workers within four months from the

date a copy of this order is filed in accordance <sup>✓</sup> The O.A. is disposed of finally on the terms stated above, with rules. No order as to costs.

  
Member-A

  
Vice Chairman

Madhu/