

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 4th day of March, 2002.

Original Application No. 39 of 1996.

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiquddin, J.M.

Munnan Pandey Son of Sri Lalta Pandey,
Resident of Village Baraon Post Ghoorpura,
District Varanasi.

(Sri NL Srivastava, Advocate)

. Applicant

Versus


1. Union of India through
Ministry of Textile Udyog Bhawan, New Delhi.
2. Director, Centre Region,
Office of Development Commissioner (Handicrafts),
B-46, Mahanagar Extension, Lucknow.
3. Development Commissioner (Handicrafts),
Ministry of Textile, Office of the Development
Commissioner, West Block No.7, R.K. Puram,
New Delhi.
4. Deputy Director, Centre Region, Office of the
Development Commissioner (Handicrafts), B-46,
Mahanagar Extension, Lucknow.
5. Assistant Director (A&C) Service Centre,
Varanasi, Office of the Development Commissioner (H).
(Sri Amit Sthalekar, Advocate) Respondents

ORDER (O_r_a_l)

By Hon'ble Mr. S. Dayal, A.M.

This application has been filed for a direction to the respondents to regularise the services of the applicant as Chowkidar, Group 'D'.

2. The case of the applicant is that he was engaged as daily wager Chowkidar in 1981 against a sanctioned and regular post of Chowkidar in the organisation of Development Commissioner (Handicrafts) in Carpet Weaving Centre at Bhadohi.

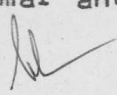


His name appears in the seniority list of Chowkidar at Serial No.63 as on 31-12-1986. The applicant was called to present himself in the Office of Administrative Cell, Varanasi on 14-5-1987 alongwith original certificate of experience. He appeared before the Deputy Director, Field Administrative Cell, Varanasi. Out of persons called, about 40 daily wages Chowkidars were regularised but the name of the applicant was not included. It is claimed that the services of one Sri Dilip Kumar and Sri Chhote Lal, who were junior to him him and were at Serial Nos.80 and 90 were regularised. He has also claimed that the services of Sri Rajit Ram Dwivedi as Chowkidar were regularised vide order dated 28-5-1990. He also claims that one Sri Lal Man had approached the Tribunal and his services were regularised on the basis of the direction given by the Tribunal in DA No.711/1991 ~~ix~~ vide their order dated 15-1-1993. The applicant has also mentioned that one Sri Rajendra Kumar was also similarly regularised. He claims to have filed a representation dated 12-3-1995 which has not been decided till date. He has claimed the relief based on the above facts.

3. We have heard Sri NL Srivastava, counsel for the applicant and Sri Amit Sthalekar, counsel for the respondents.

3. Learned counsel for the applicant in his arguments before us drew attention to the contents of paragraph nos. 4.7, 4.9, 4.10, 4.11 and 4.12 to show that the applicant was not regularised while his juniors were regularised. Learned counsel for the applicant, however, has not been in a position to show Rules which may have been prepared by the respondents for regularisation of such daily wages Chowkidars.

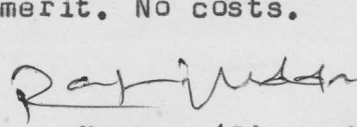
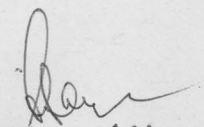
4. As regards the claim of the applicant that his juniors Sri Dilip Kumar and Sri Chhote Lal were regularised, the



respondents have mentioned that these two persons were not regularised on the basis of the screening test held in the year 1987. He mentions that Sri Dilip Kumar and Sri Chbote Lal were continuously working in the department from 7-1-84 to 7-4-92 and from 1980 to 1985 respectively. They were regularised as they had got more working days than the applicant after 1992. The case of Sri Rajit Dwivedi is different from the case of the applicant. It is also submitted by the respondents that Sri Lal Man, Sri Rajendra

Kumar and Sri Chhote Lal were re-engaged on the basis of the direction given by the C.A.T. Allahabad but their services have not been regularised due to non-availability of vacancies. Besides we find that in case of Sri Lal Man, there was no delay in filing the application after disengagement. The applicant is said to have been disengaged in 1985 and he chose to make his claim in 1996. Thus, besides the fact that his case is ^{dis}similar from the case of others, his case is also stale. Learned counsel for the respondents also stated that those who were engaged as Chowkidar have been placed in surplus cell and the vacancies of Chowkidar are not available.

5. In view of the above fact, we do not find that the claim of the applicant is acceptable. The OA is, therefore, dismissed as lacking in merit. No costs.


Member (J) 
Member (A)

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