

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 17th day of August, 2000

Original Application No. 588 of 1996

Writ Petition :

CORAM :-

Hon'ble Mr. Rafiquddin, J.M.

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

1. Balchand son of Shri Raghubar  
Resident of 442, Bihari Ji Ka Mandir, Babina.
2. Munna Lal son of Shri Lardley  
R/o 735, Kuryana Mohalla, Babina, Distt-Jhansi.
3. Lala Ram son of Shri Baijoo  
R/o 870, Baryana Mohalla, Babina.
4. Lakhan Lal son of Shri Lardley,  
Resident of 431, Near Behari Ji Kan Mandir, Babina.
5. Jagdish Singh, son of Shri Pita Ram resident of  
Near Chungi No.1, Babina.
6. Shri Desh Raj son of Shri Ajjoo  
R/o Peepra Pura, Babina.
7. Ram Singh son of Shri Nirbhay  
Resident of Village Gaijur, Post Babina.
8. Jagdish son of Shri Pyare Lal,  
Resident of Village Chamkanji, Babina.

(Sri R.K. Nigam, Advocate)

. . . . Applicant

Versus

1. Union of India through Secretary  
Ministry of Defence, Defence Headquarters,  
New Delhi.
  2. Commander Works Engineer, Jhansi.
  3. Garrison Engineer, Babina Distt-Jhansi. ... Respondent
- (Sri Satish Chaturvedi/Shri KP Singh, Advocates)

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O R D E R (O\_r\_a\_l\_)

By Hon'ble Mr. Rafiquddin, J.M.

By means of this OA, the applicant has sought direction to the respondents to complete process of screening/selection and issuance of appointment order in respect of the applicants in Class IV Group 'D' post in compliance of the judgement of this Tribunal dated 4-12-1990 (Annexure-A-1 to the OA), in TA No.1523/1523/86 filed by all the present applicants. This Tribunal vide order dated 4-12-1990 passed the following order:-

"This case is disposed of with the observation that the plaintiffs's case for fresh appointment as Chowkidar may be considered by the respondents within a period of four months from the date of receipt of a copy of the judgement against the vacancies if existing in present, or against vacancies which may arise in future, but the plaintiffs shall not be entitled for any arrears of salary or any seniority, in preference to those who are already in employment. Parties shall bear their own costs."

2. Now the applicants have filed this OA for implementation of the aforesaid order. The respondents in their counter affidavit vide Para 22 have stated that in compliance of the order of this Tribunal mentioned above all the applicants alongwith other candidates sponsored by the District Employment Exchange have been interviewed for the post of Chowkidar against 36 vacancies. The result of interview, however, could not be declared in view of the directions of the Tribunal dated 26-2-1997 and 2-4-1997 issued in OA No.138/1997 & OA No.880/1991 through which the declaration of the result was <sup>Stayed</sup> ~~stopped~~. It is, thus obvious that the respondents have completed selection process and merely

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results have not been declared <sup>as</sup> the same <sup>have</sup> being stayed  
as per the orders passed by this Tribunal in the OAs  
mentioned above. It is, however, stated at the bar  
by the learned counsel for the respondents that the  
aforesaid both the OAs have since been dismissed and,  
therefore, there remains no stay order of this Tribunal.  
We, however, find that in the present OA <sup>Re</sup> ~~this~~ this  
Tribunal vide order dated 30-3-1999 has directed to  
maintain status quo in respect of the result of the  
applicants. Learned counsel for the applicants states  
this stay order may be vacated to enable the respondents  
to declare the results of the applicants. Learned  
counsel for the <sup>2 applicants</sup> ~~respondents~~ has also pointed out that  
the applicants have been found suitable for the post.  
Learned counsel for the applicant, however, has not been  
able to place any record or documents to prove this  
contention.

3. In view of what has been stated above, we dispose of this application with direction to the respondents to declare the results of the selection process in respect of the recruitment to the post of Chowkidars in which the applicants participated within a week from the date of communication of this order. There shall be no order as to costs.

S. B. Rice, Rat Molder  
Member (A) Member (J)

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