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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.567 of 1998

Allahabad this the 30th day of January, 2003

Hon'ble Mrs.Meera Chhibber, Jud.Member

1. Surender son of Shri Heeralal aged about 25 years, resident of 535, Sadar Bazar, Bareilly Cantt. Bareilly.
2. Vidya Ram son of Shri Ram Prashad, aged about 27 years, resident of Chet Ghotia, Post Chauheti, District Bareilly.
3. Sobran son of Shri Ram Bharosey, aged about 27 years, resident of Chet Ghotia Chanheti, Distt. Bareilly.
4. Sanjay Kumar Yadav, son of Shri Ram Bali Yadav, aged about 29 years, R/o Military Farm, Distt. Bareilly.
5. Mahender son of Shri Parkotri Lal Yadav, aged about 24 years, resident of Chet Ghotia, Chanheti, Distt. Bareilly.
6. Narendra Pal Singh, son of Shri Mahipal Singh, aged about 28 years resident of Chanheti, Distt. Bareilly.
7. Rishipal son of Shri Pyarelal, aged about 25 years, resident of Rajan Tahsil Fareedpur, Distt. Bareilly.
8. Rajesh Kumar Yadav son of Ram Bali aged about 25 years, resident of Military Farm, Bareilly.
9. Man Singh, son of Lalita Prasad aged about 25 years resident of Chanheti, District Bareilly.

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10. Banwari Lal son of Khushali Ram, aged about 29 years, resident of Mohanpur, Thiria, P.S. Cantt., District Bareilly.

By Advocates Shri P.K. Khare,
Shri S.M. Abid.
(Absent on 30.01.2003)

Applicants

1. Union of India through Director General, Army Headquarter (Military Farm) New Delhi.

2. Director, Military Farms, Central Command, Lucknow-II.

3. Officer-in-Charge, Military Farm, Bareilly.

Versus

Respondents

By Advocate Km. Sadhna Srivastava

O R D E R (Oral)

This O.A. has been filed by 10 applicants claiming a direction to the respondents to regularise their services on Class IV post from March, 1996 and to pay all consequential benefits alongwith interest at the rate of 18% and the cost of this petition.

2. It is submitted by the applicants that they have been continuing on the post of Class IV since various dates and without any break from the year 1989 onwards and were even granted temporary status in the year 1996. The grievance of the applicant is that even though they have been working continuously to the entire satisfaction of their superiors but, till date they have not been regularised. It is submitted by them that they have given number of representations to the

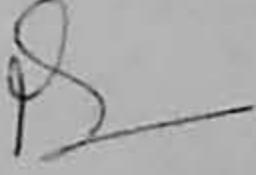
respondents on 08.05.96, 24.10.96, 21.03.97, 04.11.97 and 12.02.98 for regularisation(annexures-1 to 5) but, till date the respondents have not passed any order thereon. Thus, finding no other remedy, the applicants had to file the present O.A.

3. It is not disputed by the respondents that all the applicants have been ~~working~~ with them ^{were} and are still in employment and ~~even~~ given temporary status in the years 1996-97 respectively. They have stated that they could not ~~be~~ regularised the services of the applicants for want of vacancy. They have further stated that the petitioners are working as casual labourers in the Farm on day to day and requirement basis, therefore, in the absence of vacancy, they could not be regularised. They have, thus, submitted that O.A. be dismissed.

4. I have heard the respondents counsel and perused the pleadings.

5. According to the respondents counsel the present status of the vacancy is not known to her as this counter was filed as back as in the year 1999 and at that time there was no vacancy. Since the fact that the applicants had been working for a long period from the year 1989 and that they had already ^{been 98} ~~been 98~~ granted temporary status in the years 1996 - 1997 is not disputed, it is a normal expectation on behalf of the applicants to think that they would be regularised in due course of time. Since the respondents have

not even given any reply to the applicants, they had to file the present O.A. Scheme issued by the Government itself has made a provision for regularisation of the casual labour who have already ^{been} granted temporary status in accordance with their seniority. I am sure that whenever there is a vacancy available with the respondents, they would consider the claim of the applicants as well. The applicants have nowhere stated in the O.A. that persons junior to them had already been regularised. In fact we do not even know the applicants might have already been regularised as none is present in the Court today either the applicants or their counsel, yet in the interest of justice, I would direct the respondents to consider the representation of the applicants, which are already ~~on~~ record, and to pass speaking order thereon as per the present status of the vacancy available with them, under intimation to the applicants. With the above direction, the O.A. stands disposed off. No order as to costs.


Member (J)

/M.M./