

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 4th day of December 2000.

Original Application no. 775 of 1998.

Hon'ble Mr. S.K.K. Naqvi, Judicial Member

Om Prakash Singh,
Late Sri Ram Bahadur Singh,
R/o of Kamauli Via Sarnath,
Distt. Varanasi.

... Applicant

C/A Sri N.K. Shukla
Sri S.N. Pandey

Versus

1. Region Director, Narcotics Control Bureau,
Patel Nagar, Varanasi.
2. The Director General, Narcotics Control Bureau,
Western Circle, Skand Vth, R.K. Puram,
New Delhi.
3. The Director (Administration) or Secretary Finance,
Rajya Vibhag, North Block,
New Delhi.

... Respondents

A. V. Singhon *See*
C/Rs Shri A. V. Singhon, Anil Shukla, *See*
Anil Shukla, *See*

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O R D E R(Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-A.

Shri N.K. Shukla learned counsel for the applicant mentions that when the respondents did not comply with Court's direction in O.A. 1686 of 1992. the applicant had to take recourse of contempt proceedings which ends with the observation that if at any future date any vacancy arises and the applicant is not considered on that vacancy, the applicant shall be free to approach the Tribunal for redressal of his grievance.

2. As per applicant's case the vacancy accrued, thereafter. But the applicant was not considered, therefore, he has filed the present OA with the prayer that the applicant be appointed on regular basis w.e.f. the date of his juniors have been appointed in pursuance of direction of the Tribunal's order 4.8.94 and also for direction in the nature of certiorari, quashing the advertisement as published in Rozgar Samachar on 29.8.98 and 4.9.99. These advertisement relates to post of Daftari and Sipahi in the respondents establishment.

3. The respondents have contested the case and filed CA with the mention that no cause of action accrued to the applicant because the directions of the Court had been complied with and the post of Daftari and Sipahi,

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as per advertisement, is to be filled up only through deputation and, therefore, the application is not sustainable.

4. Keeping in view the pleadings as ^{have} has come up from either side and argument advanced by learned counsels, it is found that the first relief of the applicant regarding regularisation of his service from the date his juniors have been appointed cannot be granted because the applicant has computed the seniority from the date of his appointment and date of appointment of those whom he states to be his junior. Whereas, as per service condition of casual labour his seniority is not to be reckoned from the date he joined the service and the date when he claims is to be determined, ^{such} & it is ascertained by taking into account the actual days he worked and the senior is one who has put in more ^{number} number of working days, and not one who was engaged earlier and from this point of view there is no pleadings from the side of the applicant. Whereas, the respondents have a definite case that no junior to the applicant has been preferred against him ~~in~~ in providing any service benefit regarding regularisation and he will be regularised as per his turn and ^{accrual} ~~approval~~ of vacancy.

5. The other relief sought by the applicant is that the advertisement inviting application to fill in the post of Sipahi and Daftari be quashed. Keeping in view the facts and circumstances of the matter, the applicant cannot claim such a relief when he does not

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come within zone of consideration for ^{either of} the posts for which advertisement has been published because as per advertisement itself, these ^{two} posts are to be filled up by deputation and not from open market or serving casual labours of the department and, therefore, this relief can also be not granted to him.

6. For the above I find no relief sought for by the applicant can be provided to him and the O.A. is dismissed accordingly. No order as to costs.

S. C. Nag
Member-J

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