

**Central Administrative Tribunal Allahabad Bench
Allahabad.**

Allahabad This The 3rd Day Of September 2008.

ORIGINAL APPLICATION NO. 1378 OF 2001.

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)

Hon'ble Mr. K.S. Menon, Member (A)

1. Prakash Chand aged about 30 years son of Shri Balloo resident of Ladpura, Tehsil Niwari, District Tikamgarh (M.P).
2. Mukesh aged about 25 years, son of Shri Hari Ram, Resident of Mohalla Masjid, Cantonment Sadar Bazar, Jhansi.
3. Ashok Kumar aged about 27 years, son of Shri Laxman, Resident of Bungalow NO. 16, Kariappa Road Cantt. Jhansi.
4. Prakash Chand Yadav aged about 36 years, son of Shri Mool Chand Yadav resident of 12, Lalkurti Bazar, Cantt. Jhansi.
5. Mansharam aged about 25 years, son of Shri Prem Narayan R/o Village and Post Ajijhan Tehsil Tehsroli, District Jhansi.
6. Harendra Kumar aged about 28 years, son of Shri Ram Swarup, R/o 200 Ambedkar Nagar, Talpura, Jhansi.
7. Shanker Lal aged about 25 years, son of Shri Kishan Lal R/o 181/2 Ambedkar Nagar, Talpura, Jhansi.
8. Deepak Kumar aged about 26 years, son of Shri Laxman R/o Bungalow No. 16, near Maharaja Agrasen School Kariappa Road, Jhansi Cantt.
9. Santram aged about 30 years son of Sri Bhैया Lal R/o Village and Post Simraha, District Jhansi.
10. Ramesh Babu aged about 35 years, son of Shri Chottey Lal R/o Village and Post Simraha, Distt; Jhansi.
11. Durgesh aged about 28 years son of Shri Shiv Charan R/o 14/1 Military Hospital (near), Jhansi.
12. Munna Lal aged about 37 years son of Shri Dhaniram R/o Village and Post Bhattagaon-Khirak Patti, District Jhansi.

Applicant

By Advocate: Shri R.K. Nigam

Versus

1. Union of India through Secretary Defence, Govt. of India, New Delhi.
2. Secretary, Ministry of Defence, Govt. of India New Delhi.
3. Additional Director General (Territorial Army), L Block, Churchgate, New Delhi 110011.
4. Officer I/C Territorial Army, Central Commant, Lucknow 226002.
5. Lt. Col/Commanding Officer, 970, Railway Engineering Regiment (T.A.) Jhansi.

.....Respondents

By Advocate: Shri P. Krishna



ORDER

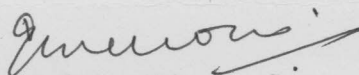
Delivered by Justice A.K. Yog, Member (J)

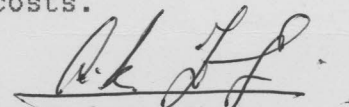
Ever since this O.A. was filed, which has been crystallized by binding precedent of the Apex Court in the Country (leave part of the judgment of the High Court in India). We find that O.A. was filed on 08.08.2001. They have staked their claim for different posts like Tailor, Washerman, Mochi, Safaiwala, Cook etc. It is now well settled that incumbent has engaged for a long time, does not vest in enforceable and statutory right to be regularized the applicant. Our Courts always deprecate back door entry. It is well settled that a person like the applicants can seek regularization provided there are scheme dealing with regularization prescribing criterion/qualifications, physical fitness, apart from relaxation in age. The object is to absorb those persons, who are physically fit, giving benefit of regularization for which they have actually worked in the Department. Regularization cannot be claimed as a matter of right by all in sudden in respect of performance/conduct. Learned counsel for the applicant is not in a position to point out that respondents' department has framed regularization scheme as yet.

2. In view of above, we direct the applicant to approach the respondents' Authorities claiming regularization provided scheme for regularization has been promulgated. We further direct that if Scheme has not been promulgated, the Respondents' Authorities shall ensure to frame regularization Scheme within 3 months from the date of receipt of copy of this order in accordance with law, well settled norms/directions given by the Apex Court in this respect. We further provide that applicant shall claim minimum pay for minimum work as per settled norms/judicial precedence for which the applicant may approach concerned Authorities by filing written representation.

3. O.A. stands finally disposed of subject to the above directions/observations.

4. There shall be no order as to costs.


Member (A)


Member (J)

Manish/-