

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 31st day of JANUARY 2005.

Original Application no. 1650 of 2001.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. S.C. Chauhan, Member A

1. Prithvipal, S/o Late Bhoti Ram,
Posted as Instructor R.C.S. Ashapur,
Varanasi.
2. Jagnuram, S/o Late Ram Kishan,
Posted as Instructor, RCS Ashapur,
Varanasi.
3. Haralal Maurya, S/o Sri R.N. Maurya,
Posted as Instructor, RCS Ashapur,
Varanasi.
4. Mewalal 'I' S/o Sri Maga Ram
Posted as Instructor, RCS Ashapur,
Varanasi
5. Ram Garib, S/o Sri Ram Niranjan,
Posted as Instructor, RCS Ashapur,
Varanasi.
6. Mewalal 'II', S/o Sri Mahipal,
Posted as Instructor, RCS Ashapur,
Varanasi.
7. Jangali Ram, S/o late Ram Ghulam
Posted as Instructor RCS Ashapur,
Varanasi.
8. Hooblal, S/o Late Nauneet,
Posted as Instructor RCS Ashapur,
Varanasi.
9. Jokhai Ram, S/o late Parmod,
Posted as Instructor RCS Ashapur,
Varanasi.
10. Kamta Prasad, S/o late Saraju Prasad
Posted as Instructor, CWTC Rajkiya Kishor Grah,
Ghazipur.
11. Ram Dular, S/o late Sarju,
posted as Instructor, CWTC,
Manari Varanasi.

2.

12. Ghurbhuwan Mishra, S/o late Jamuna Prasad,
Posted as Instructor Paterwa Nai Bajar Sarnath,
Varanasi.
13. Sakha Ram, S/o Algu,
Posted as Instructor, CWTC,
Munari, Varanasi.
14. Tulsi Ram Bind, S/o late Babu Bind,
Posted as CWTC Bahadurpur Jat Haridwar,
Uttaranchal.
15. Chandrapal Singh, S/o Sri Ram Singh,
Posted as Instructor Garampani,
Nainital
16. Shiv Jatan Pal, S/o Ram Khelawan,
Posted as Instructor, Garampani,
Nainital.
Shri
17. Ram Murat Maurya, S/o Sri Ram Maurya,
Posted as Instructor Garampani,
Nainital
18. Chandrama Prasad Arya, S/o Sri R.L. Arya,
Posted as Instructor ~~GK~~ Garampani,
Nainital
19. Jalaluddin, S/o Sri K.B. Ansari,
Posted as Instructor ~~GK~~ Garampani,
Nainital.
20. Lalji Maurya, S/o Sri R.K. Maurya
Posted as Instructor, Garampani,
Nainital.
21. Mukhtar Khan, S/o late Zahir Khan,
posted as Instructor, ~~JKM~~ Garampani,
Nainital
22. Bhola Nath Yadav, S/o Sri Ram Prasad,
Posted as Instructor, Garampani,
Nainital.
23. Mohan Lal Yadav, S/o Sri Mahavir Yadav,
Posted as Instructor, Garampani,
Nainital.

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23. Mohan Lal Yadav, S/o Sri Mahavir Yadav,
Posted as Instructor, Garampani,
Nainital.

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3.

24. Dayaram Yadav, S/o Sri Mogal,
Posted as Instructor, Haldwani,
Nainital
25. Durga Prasad Bind, S/o Sri Mata Saran,
Posted as Instructor, CSU, Aurai, Bhadohi.
26. Lal Chand, S/o K.R. Kanojia,
Posted as Instructor, Garampani,
Nainital
27. Basant Singh, S/o late B.B. Singh,
RCS Ashapur, Varanasi.
28. Rajpati Maurya, S/o late J.P. Maurya,
CWTC Patwar Marihan, Mirzapur.
29. Baij Nath Mishra, S/o Ram Kishore Mishra,
Posted as Instructor, RCS, Ashapur,
Varanasi.

... Applicants

By Adv : Sri V. Budhwar

V E R S U S

1. Union of India through the Secretary,
Ministry of Textiles, Udyog Bhawan,
New Delhi.
2. The Development Commissioner, Handicraft,
West Block VII, R.K. Puram, New Delhi.
3. The Director General Regional Office of Development
Commissioner (Handicraft), B-46 Mahanagar Extension,
Lucknow.

... Respondents

By Adv : Sri R. Sharma

O R D E R

By Justice S.R. Singh, VC.

Heard Sri V. Budhwar, learned counsel for the applicant
and Sri R. Sharma, learned counsel for the respondents
and perused the pleadings.

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2. This OA has been instituted for the following reliefs :-

- " a. to issue a order directions to the respondents to consider the case of the applicants for regularisation and confirmation on the post of Instructors.
- b. to issue a order or direction commanding the respondents to confirm and regularise the services of the applicants and to further grant them promotion in the next pay scale of Rs. 1600-2660 revised to Rs. 5000-8000 as the applicants have completed more than 12 years of continuous service and thus they are entitled for promotion in the next pay scale by virtue of office Memorandum dated 9.8.1999.
- c. to issue a writ, order or direction in the nature of mandamus Commanding the respondents to regularise and confirm the services of the applicants and to grant further promotion with effect from 9.8.1999 alongwith the interest at the rate of 18% per annum as the junior to the applicants have been regularised and granted next pay scale on the said date.
- d. to issue any other suitable writ order or direction as this Hon. Tribunal may deem fit and proper in the circumstances of the case.
- e. to AWARD COSTS to the applicants."

3. In the counter affidavit, filed by Sri Bhubendra Singh, Asstt. Director (H), O/o Development Commissioner, (Handicraft), Central Region Office, B-46, Mahanagar Extension Lucknow, it is stated that the applicants have been regularised on the post of Instructor in the pay scale of Rs. 1200-2040/4000-6000 and they have been granted benefit of ACP scheme thereby promoting them to the next higher selection grade in the pay scale of Rs. 4500-7000 except the applicant no 8 who although has been regularised to

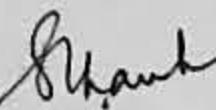
RBG

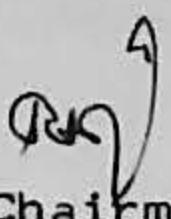
5.

the post of Instructor has not been given the benefit of ACP scheme because of the reasons that departmental enquiry is contemplated against him and he has yet to get clearance by the vigilance. The submission made in the counter affidavit has not been controverted.

4. In the circumstances, therefore, the grievance raised by the applicants no longer survives and the OA is dismissed having been rendered infructuous, except with regard to applicant no. 8, who ^{is} ~~has~~ given liberty to approach the Tribunal in case he ^{is} ~~has~~ denied the benefit of ACP scheme even after clearance by the vigilance.

5. There shall be no order as to costs.


Member A


Vice-Chairman

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