

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

O.A.No. 57 of 2001

Dated: This the 6th day of April, 2004

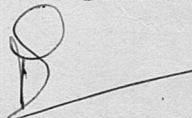
HON'BLE MRS. MEERA CHHIBBER, J.M.
HON'BLE MR. S.C.CHAUBE, A.M.

- 1- Hinch Lal S/o Sri Hari Lal
Posted as Assistant Instructor
Posted at Haldwani, P.O. Indira Nagar,
District Nainital.
2. Mithai Lal S/o Sri Baldev Ram,
Posted as Assistant Instructor
Posted at Haldwani, P.O. Indira Nagar,
District Nainital.
3. Jai Ram S/o Sri Baldev Ram,
Posted as Assistant Instructor
Posted at Haldwani, P.O. Indira Nagar,
District Nainital.
4. Bhola Sahu S/o Late Jagdev,
Posted as Assistant Instructor
Posted at Haldwani, P.O. Indira Nagar,
District Nainital.
5. Raj Narayan Yadav S/o Late Kalu Ram Yadav,
Posted as Assistant Instructor
Posted at Haldwani, P.O. Indira Nagar,
District Nainital.
6. Smt. Akhtar Bano W/o Sri Intiyaz
Posted as Assistant Instructor
Posted at Garam Pani, District Nainital.
7. Laxman S/o Sri Sahtu,
Posted as Assistant Instructor
Posted at Garam Pani, District Nainital.
8. Juma Mohd. S/o Sri Haizulla,
Posted as Assistant Instructor,
Posted at Garam Pani, Nainital.
9. Karan Singh S/o Sri Lal Kishun
Posted as Assistant Instructor,
Posted at Garam Pani, Nainital.
10. Banshraj Yadav S/o Sri Ram Dular Yadav,
Posted as Assistant Instructor,
Posted at Garam Pani.
District Nainital.

....Applicants.

By Advocate :- Shri Vikash Budhwar

versus



: 2 :

1. Union of India through the Secretary Ministry of Textiles, Udyog Bhawan, New Delhi.
2. The Development Commissioner, Handicraft West Block VII, New Delhi.
3. Director Central Region Office of Development Commissioner (Handicrafts), B-46 Mahanagar Extension, Lucknow.
4. Assistant Director, Service Centre Indira Nagar, Bareilly.

....Respondents.

By Advocate :- Shri R.C.Joshi

O R D E R

By Hon. Mrs. Meera Chhibber, J.M.

By this O.A. ten applicants have sought the following relief(s):-

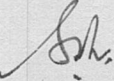
"i) to issue a order or direction to the respondents to consider the case of the applicants for confirmation and regularisation on the post of Assistant Craftsman/Assistant Instructor in the pay scale of Rs.260-400, revised to Rs.950-1500 and further revised to Rs.3000-4590."

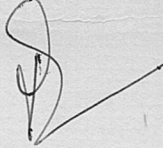
2. Respondents have filed their C.A. as back as on 25.7.2002 to which no R.A. has been filed by the applicants, therefore, in law the averments made by the respondents are deemed to have been admitted by the applicants. In the C.A. respondents have specifically stated that applicants were initially appointed on the consolidated wages @ Rs.400/- per month but subsequently pursuant to the direction given by the Tribunal in its judgment and order dated 24.4.1990, the petitioners were regularised on the post of Assistant Instructors w.e.f. 03.10.1985 in pay scale of Rs.950-1400, now revised to Rs.3050-4500/- and they have been drawing regular pay scale and other benefits admissible under the Rules.

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They have further stated, in para 13 of the C.A., that the benefits under the A.C.P. Scheme has been granted to all the employees including the petitioners w.e.f. 09.8.1999 vide order dated 30.1.2002 excluding the petitioners mentioned at serial nos. 4 & 8 because departmental inquiry is contemplated against them and till date no vigilance clearance has been received. As and when they will be free from vigilance, they will also be considered for the grant of benefit of A.C.P. Scheme. Copy of the order dated 30.1.2002 has been annexed as Annexure-A-I. They have, thus, submitted that there is nothing more survives in the O.A. the same may accordingly be dismissed.

3. In view of the categorical statement made by the respondents in their C.A., that petitioners have already been regularised as Assistant Instructors and have also been granted benefit of A.C.P. Scheme except petitioner nos. 4 and 8 against whom vigilance case were pending and that their cases will also be considered after vigilance case are over, we are satisfied that nothing more survives in this O.A. the same is accordingly dismissed as having been infructuous with no order as to costs.


Member (A)


Member (J)

Brijesh/-