

Bundu Khan & Ors

Vs Kasturi Menon & Ors

CORAM:

HON.MR.JUSTICE R.R.K. TRIVEDI,V.C.

HON.MR.C.S.CHADHA, MEMBER(A)

We have heard Shri Satish Dwivedi learned counsel for the applicant and Shri G.R.Gupta learned counsel for the respondents. Rejoinder affidavit has been filed by counsel for the applicant.

By this application u/s 17 of A.T.Act 1985 applicants have prayed to punish the respondents for willful disobedience of the order of this Tribunal dated 7.2.01 passed in OA 1817/93. The direction given by this Tribunal was as under:

".....The Division Bench after hearing the parties disposed of the matter with the following direction:

(i) the respondents would regularise the services of the applicants as and when the vacancies in group 'D' posts arise strictly in accordance with seniority reflected in the combined seniority list of daily wage casual labours.

(ii) the respondents would not make any recruitment from the outside unless and until these applicants are absorbed as per rules.

The respondents are also directed to consider the case of the applicants of OA 1159/92 Raj kumar Kalluwa, jagdish and Lakshmi Narain for grant of temporary status as per rules, if not already granted.

The above direction will be complied with within the period of three months from the date of receipt of a copy of this order. There shall be no order as to costs..."

AS THE ORDER OF THE tribunal mentioned above squarely cover the present case, this OA is also disposed of finally in terms and conditions provided in the order of the Tribunal dated 6.9.2000. if the applicants feel that while considering their matter the Govt. orders relevant to the issue shall be necessary they may file the same alongwith the representation and they shall

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be taken into consideration by the respondents.
There will be no order as to cost."

In compliance of the aforesaid direction respondents have issued orders on 5.3.02 giving temporary status to the applicants as unskilled worker in Group 'D' category. The copies of the orders have been filed as (Annexures CA-1(AtoM)). It is submitted by Shri G.R.Gupta counsel for the respondents that orders have been issued in respect of 14^{✓ applicants}. For the remaining four applicants it has been submitted that they were serving on casual basis against group 'C' posts, therefore, order of temporary status could not be granted in respect of them. In paragraph 11 of the counter affidavit filed by Shri K.K.Mehmood, Superintending Archaeologist, Archaeological Survey of India, difficulties have been mentioned in regularising the applicants. The learned counsel for the respondents has submitted that respondents are prepared to regularise the applicants against Group 'D' posts and those who were serving against Group 'C' post on casual basis they will also be regularised in Group 'D' post with pay protection in accordance with the judgment of Full bench of this Tribunal of Jaipur Bench in 'Aslam Khan's case. Learned counsel for the applicant has no objection if the applicants are absorbed against Group 'D' posts with pay protection in deserving cases.

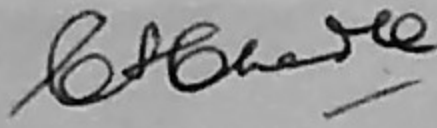
The contempt application is accordingly disposed of on the basis of the assurance given by Shri Ganga Ram Gupta learned counsel for the respondents that applicants shall be absorbed in Group 'D' posts within a period of three months from the date a copy of this order is filed.

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Notices are discharged. There will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 23rd of May, 2002

Uv/