

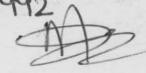
Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Review Application No. 07 of 2001

In

Original Application No. 895 of 2002 1992



Wednesday, this the 10th day of January 2007

Hon'ble Mr. K. Elango, Member (J)
Hon'ble Mr. M. Jayaraman, Member (A)

Union of India and others
(By Advocate Shri Manoj Kumar)

Review Applicants

Khubi Ram

Respondent

O R D E R

By M. Jayaraman, Member (A)

Heard, Shri Manoj Kumar, who appears for the review applicants. His short plea is that the Tribunal in its Order dated 06.09.2000 has given the following direction: -

“6. Having heard counsel for the parties, we dispose of these OAs with the following directions: -

- (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 wages casual labours.
- (ii) The respondents would not make any recruitment from the outside unless and until these applicants are absorbed as per rules.
- (iii) The respondents are also directed to consider the case of the applicants of O.A. No.1159/1992 (Raj Kumar, Kallua, Jagdish and Lakshmi Narain) for grant of temporary status as per rules, if not already granted.”

The point made by counsel is that as per paragraph no.8 of the Scheme, only two out of every three vacancies in Group 'D'



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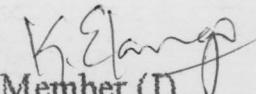
cadre can be filled up from amongst the casual workers and the third vacancy has to be recruited from open market. The view of the department is that this requirement appears contrary to paragraph no.6⁽ⁱⁱ⁾ of the Order and so he seeks review of this Order.

2. We have considered the pleadings of the applicant, and we have also gone through the Order referred as above, and also Ministry of Personnel O.M. dated 10.09.2003 enclosing the Rules titled as Departmental of Personnel & Training, Casual Labour's (Grant of Temporary Status and Regularisation) Scheme of Govt. of India, 1993.

3. In our view there is no controversy or confusion. What the Tribunal has ordered is to see that the respondents in that O.A. should regularise the services of the applicants as and when the vacancy in Group 'D' post arose strictly in accordance with the seniority reflected in the Combined seniority list of daily wages casual labours (paragraph no.6.(i)). The second direction in paragraph no. 6 (ii) is that the respondents would not make any recruitment from outside unless and until these applicants will be absorbed "as per rules", which would mean that the Rules applicable on the subject mentioned above, and so in our view there would be no need for clarification or review of the Order dated 06th September 2000.

4. In the light of the above, the Review Application is rejected.


Member (A)


Member (J)

/M.M./