

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH ALLAHABAD**

(THIS THE 27<sup>th</sup> DAY OF November, 2009)

PRESENT:

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J**  
**HON'BLE MR S.N. SHUKLA, MEMBER-A**

**I**

**ORIGINAL APPLICATION NO. 276 OF 2004**  
(U/s, 19 Administrative Tribunal Act.1985)

1. Kanhaiya Lal Yadav Son of Late Sarjoo Yadav, Aged about 56 years, R/o V. II & Post-Kulkrauthi Via-Bhadohi, District-Sant Ravi Das Nagar.
2. Gulab Chandra S/o Agnu Mallah, Aged 45 years, Bhardsthan, Vidhyachal, District-Mirjapur
3. Ayodhya Prasad S/o Late Baijoo Ram, Aged 52 years, R/o Vill-Sarroj (Kathupur) Pst-Bhadohi, District-Sant Ravi Das Nagar.
4. Ram Shankar Maurya S/o Late Mokhan Aged 53 years, R/o Vill-Garauli, Post-Peora Pur- Awai, District-Sant Ravi Das Nagar.

.....Applicants

By Advocate: Shri O.P. Gupta

Versus

1. Union of India through Secretary Ministry of Textile, Govt. of India, New Delhi.
2. Development Commissioner [Handicrafts], Office of Development Commissioner (H), West Block-7, R.K. Puram New Delhi-110066.
3. Regional Director, Central Region, Office of Development Commissioner [Handicraft], Kendriya Bhawan, 7<sup>th</sup> Floor, Sector-'H' Aligarh, Lucknow 226024.
4. Assistant Director (Handicrafts), Office of Development Commissioner (H), Marketing & Service Extension Centre, S-10/193, B-5 Hukul Gang, Varanasi

..... Respondents

By Advocate: Shri P.D. Tripathi



**ALONG WITH****II****ORIGINAL APPLICATION NO. 278 OF 2004**  
(U/s, 19 Administrative Tribunal Act.1985)

1. Basant Lal Son of Late Ram Deo Aged 48 years.
2. Mohd. Jahoor on of Late Shekh Gaji, Aged 59 years.
3. Jawahar Lal Son of Ram Kedar, Aged 57 years.
4. Mishri Lal Son of Raj Mani Saroj, Aged 50 years.
5. Raj Mani S/o Late Rameshwar, Aged 51 years.
6. Yadu Nandan Yadav S/o Raja Ram, Aged 49 years.
7. Amar Nath Yadav S/o Ram Lakhan Aged 52 years.
8. Raj Mani Bind Son of Late Timmal, Aged 53 years.
9. Banwari Lal Son of Late Keshi Ram, Aged 54 years.
10. Shyam Chandar S/o Late Malik Bind, Aged 59 years.
11. Kamla Shankar Son of Late Algoo Bind, Aged 51 years.
12. Ram Roop Pal Son of Ganga Prasad, Aged 58 years.
13. Ram Surat S/o Ganga Prasad, Aged 58 years.
14. Manijar Ram Son of Gulsaran Bind, Aged 46 years.
15. Sarjoo Prasad Son of B.R. Bind, Aged 43 years.
16. Harish Chandra S/o Sampati Kurmi, Aged 49 years.
17. Ram Raj S/o Late Ram Kishore Bind, Aged 54 years.
18. Raja Ram Yadav S/o Ram Khilawan, Aged 53 years.
19. Daya Ram Son of Sampati Bind, Aged 48 years.
20. Mewa Lal S/o Late Bipat, Aged 49 years.
21. Akshaybar Son of Late Ram Dular, Aged 52 years.
22. Salig Ram S/o Sahdeo Aged 45 years.
23. Manika Prasad S/o Ram Lakhan Gaur, Aged 49 years.
24. Waliualla Son of Late Niyamat hekh, Aged 56 years.
25. Mohd. Islam S/o Late Habi Bulla, Aged 53 years.



26. Ram Bali Yadav S/o Late Ram Pukari Yadav, Aged 46 years.
27. Baj Nath S/o Late Bandhoo Bind, Aged 46 Years.
28. Lalta Prasad S/o Jhuroo Bind, Aged 45 years.
29. Nand Lal Singh S/o Late Banshi Dhari Singh, Aged 47 years.
30. Raja Ram S/o Late Kudawan Ram Aged 47 years.
31. Ram Shijor S/o Late Jite Ram Aged 48 years.
32. Jawahar Maurya S/o Late Maggan Ram, Aged 46 years.
33. Ram Roop Maurya S/o Late Sukh Deo Maurya, Aged 56 years.
34. Bechan Ram S/o Bihari Ram, Aged 48 years.
35. Ram Nath S/o Late Nikhiddi, Aged 53 years.
36. Sadik Ali S/o Late Fursat Ali Aged 56 years.
37. Shesh Mani Mishra S/o Thakur Prasad Mishra Aged 48 years.
38. Ram Siromani Pandey S/o Ram Kishore, Aged 52 years.
39. Ravi Lal S/o Late Sukh Nandan Saroj, Aged 48 years.
40. Raj Nath S/o Setan, Aged 45 years.

Persons mentioned above, from SL. Nos. 1 to 14 and 40 are working as Instructors and from 15 to 39 as Asst. Instructors in the office of Development Commissioner (H), at C.S.U. Aurai, and R.C.S. Ashapur.

..... Applicants

Versus

1. Union of India through Secretary Ministry of Textile, Govt. of India, New Delhi.
2. Development Commissioner [Handicrafts], Office of Development Commissioner Ministry of Textile, West Block No.7, R.K. Puram New Delhi-110066.
3. Regional Director [Handicraft], office of Development Commissioner [H], Kendriya Bhawan, 7<sup>th</sup> Floor, Sector-'H' Aligarh, Lucknow.



4. Asst. Director (Handicrafts), Office of Development Commissioner (H), Marketing & Service Extension Centre, S-10/193, B-5 Hukul Gang, Varanasi, 221002.
5. Asst. Director (A&C), Office Development Commissioner [H], Carpet Weaving Training Service Centre, D-64, A-M-1, Nagar Nigum Coloney, Sigra, Varanasi.

..... Respondents.

### **ORDER**

(DELIVERED BY: JUSTICE A. K. YOG- MEMBER-JUDICIAL)

Heard learned counsel for the parties and perused the record.

2. Facts of both the above OAs are similar. For convenience we shall refer to the leading O.A. No.276 of 2004 (Kanhaniya Lal Yadav Vs. Union of India & Ors).

3. By means of this Original Application, applicants seek to challenge impugned order dated 17.10.2003 (Annexure A-I/Compilation-I) whereby, they claimed their services as daily wages also to be computed, whereas respondent authorities have rejected the claim of the applicant and denying full tenure of service during which said applicants had worked as daily wagers.

4. Learned counsel for the applicant has placed reliance upon several decisions of the Tribunal as well as that of Delhi High Court and Punjab and Haryana High Court. On the other hand, learned counsel for the respondents submits that issues had not attained finality and is still pending before Apex Court.

5. We find that impugned order has been passed without referring to the rules, the decision of the Allahabad Tribunal, order of Patna Bench, judgment of Delhi High



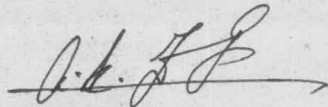
Court (Copy filed as Annexure-IV) and the judgment of Central Administrative Tribunal, Allahabad in the case of Nand Lal Maurya and Ors Vs. Union of India & Ors.

6. Learned counsel for the applicant pointed out that subsequently Punjab and Haryana High Court decided this issue in the case of *The Direct Recruit Class II Engineering Officers' Association and Ors. Vs. State of Maharashtra and Ors.*

7. In view of the above we set aside the impugned order dated 17.10.2003 (Annexure A-I/Compilation-I) with direction to the applicants to file a parawise comprehensive representation along with a copy of the O.A. (both compilation I & II) and a certified copy of this order within 6 weeks from today before concerned Competent Authority (Respondent No.2/ Development Commissioner [Handicrafts], Office of Development Commissioner (H), West Block-7, R.K. Puram New Delhi) who, shall decide said representation, (provided it is filed as stipulated/contemplated above) by passing a reasoned and speaking order in accordance with law within 3 months of receipt of the Representation (as indicated above). Decision taken shall be communicated to the applicant forthwith.

8. OA stands finally disposed of subject to above observations.

  
Member (A)

  
Member (J)

/Sushil/