

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.699 of 2004
Along with
Original Application No.543 of 2004
Original Application No.593 of 2004

Allahabad this the 18th day of February, 2005

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr.S.C. Chaube, Member (A)

O.A.No.699 of 2004

1. G.B. Singh, Chawkidar, Aged about 49 years, Son of Late Sri Ram Deo Singh, Resident of Lekhrajpur, Jhunsi, District Allahabad.
2. Lalta Prasad, Chawkidar, Aged about 47 years, Son of Late Vishwanath, Resident of Lekhrajpur, Jhunsi, District Allahabad.
3. Devi Prasad Singh, Chawkidar, Aged about 53 years, Son of Late Tribhuwan Singh, Resident of Lekhrajpur, Jhunsi, district Allahabad.
4. Mirza Prasad Sharma, Chawkidar, Aged about 51 years, Son of Late Sri R.D. Sharma, Resident of Lekhrajpur, Jhunsi, District Allahabad.
5. Niyaz Ahmad, Store Keeper, Aged about 48 years, Son of Late Mohd. Khan, Resident of Lekhrajpur, Jhunsi, district Allahabad.
6. Ram Krishna Pandey, Store keeper Aged about 53 years, Son of Shri R.P. Pandey, Resident of Lekhrajpur, Jhunsi, District Allahabad.
7. Mahendra Kumar Gupta, Store Keeper-cum-Accounts Clerk, Aged about 43 years, son of Late Hira Lal Gupta, Resident of Lekhrajpur, Jhunsi, District Allahabad.
8. Ashwani Kumar, Carpet Training Officer, Aged about 50 years, Son of R.S. Srivastava, Resident of Hariao, Post Bhadohi, District Sant Ravi Das Nagar.
9. Vidhya Shankar Panday, Assistant Instrutor, aged about 43 years, Son of M.S. Panday, Resident of Lekhrajpur, Jhunsi, District Allahabad.



10. Dashrath Bind, Assistant Instructor, Aged about 46 years, Son of Saheb Lal, Resident of Ashapur, Sarnath, Varanasi, District Varanasi.

11. Tulsi Ram Bind, Instructor, Aged about 51 years, Son of Late Baba Bind, Resident of Vijai Park Extension, Dehradun, Uttaranchal.

12. Bance Raj Yadav, Assistant Instructor, Aged about 51 years, Son of Late Ram Murti Yadav, Resident of Vijai, Park Extension, Dehradun, Uttaranchal.

13. Budhi Ram Pal, Instructor, Aged about 52 years, Son of Late V. Pal, Resident of Vijai Park Extention, Dehradun, Uttaranchal.

14. Vijay Bahadur pal, Assistant Instructor, Aged about 50 years, Son of F. Pal, Resident of Vijai Park Extention, Dehradun, Uttaranchal.

15. Raj Bahadur Bind, Instructor, Aged about 51 years, Son of G.R. Bind, Resident of Vijai Park Extention, Dehradun, Uttaranchal.

16. Jethoo, Assistant Instructor, Aged about 52 years, Son of Babu Nandan, Resident of Vijai Park Extention, Dehradun, uttaranchal.

17. Sukh Ram, Instructor, Aged about 52 years, Son of R.l. Bind, Residnet of Vijai Park Extention, Dehradun, Uttaranchal.

18. Shitala Prasad, Instructor, Aged about 51 years, Son of B. Ram, Resident of Vijai Park Extention, Dehradun, Uttaranchal.

19. Saliq Ram, Assistant Instructor, Aged about 51 years, Son of Ram Khelawan, Resident of Vijai Park Extention, Dehradun, Uttaranchal.

All the applicants are working in different posts in the office of the respondent no.2, Development Commissioner{Handicrafts} and the applicant no.1 to 10 are posted at Allahabad and the applicant no.11 to 19 are posted at District Dehradun.

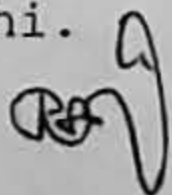
Applicants

By Advocate Shri N.L. Srivastava.

Versus

1. Union of India, Ministry of Textile, Udyog Bhawan, New Delhi, through its Secretary.

2. Development Commissioner [Handicrafts] West Block No.7, R.K. Puram, New Delhi.



3. Regional Director [Central Region], Office of the Development Commissioner [Handicrafts] Kendriya Bhawan, 7th Floor, Sector-H, Aliganj, Lucknow.

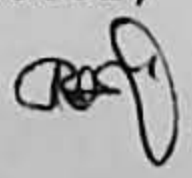
Respondents

By Advocate Shri Saumitra Singh

O.A. NO.543 of 2004

1. Shiv Chandra Mishra, Instructor, Son of Late R.N. Mishra, a/a 57 years.
2. Abdul Wahab, Assistant Instructor, Son of Abdul Mazeed, a/a 51 years.
3. Ram Sajiwan, Assistant Instructor, Son of Late Ram Khelawan, a/a 52 years.
4. Shobh Nath Maurya, Assistant Instructor, Son of R.K. Maurya, a/a 51 years.
5. Hoob Lal Bind, Instructor, Son of Late B. Ram. a/a 49 years.
6. Ashraf Ali, Assistant Instructor, Son of late Ishaq, a/a 53 years.
7. Shobh Nath, Assistant Instructor, Son of Late Ram Dular, a/a 52 years.
8. Bakridan, Instructor, Son of J. Shekh a/a 52 years.
9. Basant Lal, Assistant Instructor, Son of Late Jhalloo Ram, a/a 47 years.
10. Nand Lal Maurya, Instructor, Son of S.P. Maurya, a/a 56 years.
11. Mata Saran Pal, Instructor, Son of B. Pal, a/a 51 years.
12. Ram Geer, Instructor, Son of Late Laxmi Narain, a/a 52 years.
13. Lal Ji Yadav, Assistant Instructor, Son of J.N. Yadav, a/a 50 years.
14. Awadh Narain, Assistant Instructor, S/o D.P. Yadav, a/a 48 years.
15. Amrit Lal, Instructor, Son of Late Lalta, a/a 51 years.
16. Baskal, Instructor, Son of Late Jokhan Bind, a/a 49 years.



17. Munni Lal, Instructor, Son of Late Bhagirathi, a/a 51 years.
 18. Madhu Lal, Assistant Instructor, Son of Late Khurbur, a/a 50 years.
 19. Paras Nath Chaurasiya, Instructor, Son of Late Babu Ram Chaurasiya.
 20. Abdul Mazeed Sheikh, Instructor, Son of Azimullah, a/a 53 years.
 21. Babu Ram Yadav, Instructor, Son of Ram Narain Yadav, a/a 51 years.
 22. Pancham Ram, Assistant Instructor, Son of Jagannath, a/a 53 years.
 23. Kamlesh Singh, Assistant Instructor, Son of Lal Mani Singh, a/a 49 years.
 24. Ram Ji Yadav, Instructor, Son of Jagdeo, a/a 52 years.
 25. Shitala Prasad, Instructor, Son of B.R. Yadav, a/a 51 years.
 26. Samar Bahadur Singh, Instructor, Son of Late Baij Nath Singh, a/a 52 years.
 27. Asha Ram, Instructor, Son of R.A. Bind, a/a 54 years.
 28. Shekh Jalaludeen, Assistant Instructor, Son of Late Ashgar Ali, a/a 48 years.
 29. V.N. Prajapati, Instructor, Son of Late Bhabhuti Prajapati, a/a 53 years.
 30. Chekhuri Ram, Instrurtor, Son of Late Lal Behari, a/a 54 years.
 31. Habbibullah, Assistant Instructor, Son of Abdul Latif, a/a 49 years.
 32. Panch Deo, Assistant Instructor, Son of Late Sukhoo, a/a 51 years.
 33. Lal Bahadur, Assistant Instructor, Son of Late Ram Sumer, a/a 51 years.
 34. Kunjan Pal, Assistant Instructor, Son of Nankoo Pal, a/a 48 years.
 35. Hari Prasad, Assistant Instructor, Son of Shiv Charan, a/a 47 years.
 36. Santoshi Ram, Instructor, Son of K. Ram, a/a 53 years.
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37. Bal Chandra, Assistant Instructor, Son of Baijnath, a/a 50 years.

38. Bal Krishna Panday, Instructor, son of B.N. Panday, a/a 50 years.

All the applicants are r/o Lekhrajpur, Teh.-Phoolpur, Alld. And are working at Regional Carpet Store, Lekhrajpur, Jhunsu, District Allahabad, Office of the Development Commissione{Handicrafts}.

Applicants

By Advocate Shri N.L. Srivastava

O.A. No. 593 of 2004

1. Anil Kumar Srivastava, Carpet Training Officer, S/o Shri K.L. Srivastava, Resident of 860, Muthiganj, Allahabad. Aged about 50 years.
2. Avinash Chandra Srivastava, Carpet Training Officer, S/o Shri L.N. Srivastava, Resident of 860, Muthiganj, Allahabad, Aged about 50 years.
3. R.P. Azad, Carpet Training Officer, S/o Shri/Late Chandu Mal, r/o Nahipalpur, Noida.
4. C.S. Tiwari, Store Keeper, S/o Shri R.S. Tiwari, Aged about 52 years.
5. Ishrar Ahmad, Store-keeper-cum-Accounts Clerk. S/o M. Ali, Aged about 50 years.
6. Shamim Ahmad, Store Keeper cum Accounts Clerk, S/o Manzoor Ahmad, Aged about 42 years.
7. M.A. Siddique, Store Keeper-cum-Accounts Clerk, S/o Late Mohd. Siddique, Aged about 47 years.
8. Munsi Ram, Instructor, S/o Bhagauti Prasad, Aged about 56 years.
9. Sita Ram, Instructor, S/o Bhuidhar, Aged about 50 years.
10. Smt. Prabhawati Maurya, Instructor, Wife of N.L. Maurya, Aged about 52 years.
11. Shekh Mohd. Idrish, Assistant Instructor, S/o Mohd. Mustafa, Aged about 50 years.
12. Shyam Lal, Assistant Instructor, S/o Late JhunJhun, Aged about 46 years.
13. Ram Dular, Chawkidar, S/o Mathura Prasad, aged about 37 years.

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14. Jeet Ram, Chawkidar, S/o Late Mishri Lal, Aged about 45 years.

15. Kamta Prasad, Chawkidar, S/o Late kanti Ram, Aged about 49 years.

The applicants nos.4 to 15 are resident of Lekhrajpur, Jhunsi, Tahsil Phoolpur, District Allahabad and all the applicants are working in different posts in the Office of the Development Commissioner[Handicrafts] at Regional Carpet Store, Lekhrajpur, Jhunsi, Allahabad, District Allahabad.

Applicants

By Advocate Shri N.L. Srivastava

Versus

1. Union of India, Ministry of Textile, Udyog Bhawan, New Delhi through its Secretary.
2. Development Commissioner[Handicrafts], West Block No.7, R.K. Puram, New Delhi.
3. Regional Director [Central Region], Office of the Development Commissioner [Handicrafts] kendriya Bhawan, 7th Floor, Sector-H, Aliganj, Lucknow.
4. Assistant Director, Service Centre, Allahabad Office of the Development Commissioner [Handicrafts].

Respondents in O.A.No.543/04 and O.A.No.593/04

By Advocates **Shri P.D. Tripathi** (O.A.no.543/04)
Shri Rajeev Sharma (O.A.no.593/04)

O R D E R (ORAL)

By Hon'ble Mr. Justice S.R. Singh, V.C.

The common question of law and facts are involved in these 3 O.As, Therefore, it would be convenient to decide these O.As by a common order. Accordingly, we have heard the learned counsel for the parties and perused the pleadings.

2. Impugned herein is the Office Memorandum dated 12.04.2004, which reads as under:-

"Department has already closed all training centers (Nos.262) of Carpet Scheme in the States other than J & K in the phased manner during the



period from 1997-98 to 2001-02 as per details given below:-

1. 34 training centres during 1997-98
2. 34 training centres during 1998-99
3. 33 training centres during 1999-2000
4. 39 training centres during 2000-01
5. 122 training centres during 2001-02

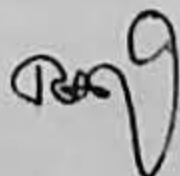
Consequent upon the closure of the said training centres all officers/officials of the following cadres in the existing staff of carpet scheme in States other than J&K are declared surplus in the reverse order of the seniority list of their cadre w.e.f. the date of closing of the said centres except some posts of each of the said cadre required for the existing units of carpet scheme in the States other than J&K i.e. FAC Lucknow, CSU Aurai and 8 service centres as per recommendation SIU report of December 1986 and agreed by the department as per details given below:-

S.No. Name of cadre/post

1. All CTO (including group 'B' & 'C') except one post of Office Supdt. Which is a converted post of CTO of group 'C' on the basis of the seniority of the same cadre/group.
2. All Storekeepers except 9 posts required for the existing units on the basis of the seniority of the same cadre.
3. All SK/ACs except 18 posts required for the existing units on the basis of the seniority of the same cadre.
4. All Instructors.
5. All Asstt. Instructors.
6. All Chowkidars except 12 posts required for the existing units on the basis of the seniority of the same cadre.

The persons higher up in ladder of seniority of their cadre may also opt to be declared surplus in preference to their juniors for availing the benefit of voluntary retirement/redeployment. It is further clarified that once option is exercised by any of the senior officer/official, it shall not be withdrawn by him.

All the surplus declared staff will be continue to draw their salary from this department till their redeployment/voluntary retirement/special voluntary retirement or any decision is taken by deptt. Under the direction of Govt. of India in future which ever is earlier.



All concerned Regional Directors are requested to furnish the complete bio data (performa already supplied) in respect of all concerned officers/officials of the said cadres duly verified by the concerned officer(s) under their jurisdiction excluding those who are already declared surplus and on the roll surplus cell/DGE&T (for Group 'D') for their redeployment, to this office latest by 31.5.2004 positively.

This issues with approval of DC(Handicrafts)."

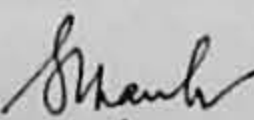
3. The closure of training centres of Carpet Scheme in the States other than J&K is the prerogative of the Executive and in fact the closure is not under challenge. What is under challenge is the clause which requires that consequent upon the closure of Training Centres referred to in the impugned memo, all officers/officials in the existing staff of the Carpet Scheme in the States other than J&K are declared surplus in the reverse order of seniority list of their cadre." Learned counsel for the applicants submitted that according to revised scheme under G.I. Department of Personnel & Training O.M. No.1/18/88 - CS III dated 01.04.1989 issued in super session of the earlier scheme under G.I., M.H.A. O.M.No. 3/27/65-CS. II dated the 25.02.1966, personnel rendered surplus due to reduction of establishment in Central Government Department/Offices or where an Organisation is being wound up in the phases, the surplus staff should be declared surplus not in the reverse order of the seniority but strictly in accordance with the regular seniority itself.

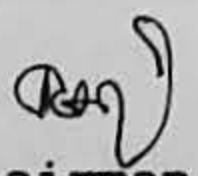
4. Learned counsel appearing for the respondents tried to justify the order declaring the surplus staff in the reverse order of seniority on the basis of the scheme dated 25.02.1966, which, as been pointed above, has already been superseded by the Scheme dated 01.04.1999, referred to above. However, learned Senior Standing Counsel submits that it has now been decided that all the centres shall be wound up and therefore, all the employees would be declared surplus

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irrespective of their seniority. Be that as it may the Office Memorandum dated 12.04.2004 in so far as it provides that existing staff are declared surplus in the reverse order of the seniority list cannot be sustained and is quashed to that extent without prejudice to the right of the respondents to declare the officers/staffs of the concerned centres as surplus, in accordance with the rules or such modified scheme, as may be in vogue.

5. In view of the above, the Original Applications are allowed in terms and ^{2 directions &}~~conditions~~ mentioned above. No order as to costs.


Member (A)


Vice Chairman

/M.M./