

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

ALLAHABAD this the 06<sup>th</sup> day of November 2012.

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER- J  
HON'BLE MS. JAYATI CHANDRA, MEMBER -A**

**ORIGINAL APPLICATION NO. 548 OF 2005**

Krishna Kumar Shukla son of Shri Kalka Prasad Shukla, Resident of 296/8, Babupurva Colony, Kidwai Nagar, Kanpur Nagar.

.....Applicant.

**VER S U S**

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. The Air Officer Commanding -in-Chief Headquarter Maintenance Indian Air Force, Vayu Seva Nagar, Nagpur.
3. The Commanding Officer, 402 Air Force Station, Chakeri Kanpur.

.....Respondents

Advocate for the applicant: Shri P. Srivastava

Advocate for the Respondents : Shri R.C. Shukla  
Shri A. Dwivedi

**ORDER**

**BY HON'BLE MR. SANJEEV KAUSHIK, MEMBER- J**

None for the applicant even when the case is called second time. This is an old matter and in terms of Rule 15 (1) of Central Administrative Tribunal (Procedure) Rules 1987, we proceed to hear the matter.

2. The prayer in the O.A. is to issue writ, order or direction in the nature of mandamus directing the respondents to draw the

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seniority list of those who have worked on the post of Anti Malaria Lascar and to consider their absorption on regular basis in accordance with their seniority with further relief to direct the respondents to consider the absorption of the applicant and regularize him on any Group 'D' post.

3. Pursuant to notice, respondents represented through Anil Dwivedi learned counsel for the respondents contested their claim by filing the counter affidavit under the heading of preliminary objection, which reads as under:-

*"The applicant initially employed as a Casual Seasonal Anti Malaria Lascar (SAML) on daily wages w.e.f 02.08.1991 to 31.10.1991 and 05.06.1995 to 31.10.1995 and 27.05.1996 to 31.10.1996. He was also engaged on 18.07.2000 to 31.10.2000. In the year 1997, Government has passed the guidelines for appointment/subsequent regularization in permanent vacancy of SAML vide Air HQ/23064/28/1/AMLK/PC-4 dated 21.08.1997 received under cover of HQ MC, IAF letter No. MC/5901/SAML/PC dated 06.09.1997. A photocopy of letter dated 06.09.1997 is being enclosed herewith and marked as Annexure CA-1. According to the guidelines a notional seniority list was prepared for the SAMLs who have worked from 1990 to 1997. The applicant had worked in the year 1991, 1995 and in 1996, therefore, his name was included in the notional seniority list. The work and performance of the applicant was not found satisfactory during Anti Malaria Season 2000. In the year 2001, the Board of Officers for recruitment of SAML has recommended to delete the name of the applicant from the notional seniority list as per para 2 (C) of Air HQ/23064/28/1/AMLK/PC-4 dated 21.8.1997 received under cover of HQ MC, IAF letter NO. MC/5901/SAML/PC dated 06.09.1997".*

4. We have considered the submissions made by counsel for the respondents and have gone through the record.

5. It is stated by respondents that applicant worked as Seasonal Anti Malaria Lascar (S.A.M.L) on daily wages basis between 1991, 1995 and 1996. In pursuance to guidelines issued by Government of India dated 21.08.1997, notional seniority list was prepared for S.A.M.L., who worked from 1990 to 1997. The

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applicant, who worked in the year 1991, 1995 and 1996, therefore, his name was included in the notional seniority list. Since the work and performance of the applicant was not found satisfactory during Anti Malaria Season 2000. Therefore, in terms of Board of Officer for recruitment of SAML recommended that name of the applicant be deleted from the notional seniority list as per para 2 (c) of letter dated 21.08.1997.

6. It is submitted by the learned counsel for the respondents that since the work and conduct of the applicant was not satisfactory and in terms of meeting of Board of Officer for recruitment of SAML, the name of applicant was deleted from the notional seniority list, the applicant is not entitled for any relief.

7. Considering the facts, we find no reason to direct the respondents to include the name of the applicant in the notional seniority list. Therefore, the O.A is dismissed being devoid of merits. No costs.

Member (A)

Member (J)

Manish/-