

(15)

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION NO. 1003 of 2005.

ALLAHABAD THIS THE 17TH DAY OF NOVEMBER 2006.

HON'BLE MR. JUSTICE KHEM KARAN, V.C

Abbas Khan s/o Shri Alilas Khan, Masitganj Golia, P.O. Mohanpur, Bareilly (U.P) 243001.

.....Applicant

(By Advocate: Sri R.C. Pathak)

Versus.

1. Union of India through the Secretary for Labour, Ministry of Labour, Govt. of India, New Delhi.
2. Union of India through the Defence Secretary, Ministry of Defence, Govt. of India, South Block, New Delhi.
3. The Chief Engineer, Central Command, Lucknow.
4. The Chief Engineer, Bareilly Zone, Sarvatra Bhawan, Station Road, Bareilly Cantt.
5. The Commander Works, Engineer CWE (MES), Station Road, Bareilly Cantt.
6. The Garrison Engineer, (MES) No.1, Bareilly Cantt.

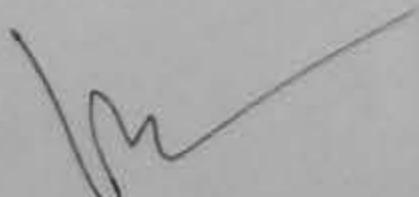
.....Respondents

(By Advocate: Sri Pranay Krishna)

O R D E R

Heard Sri R.C. Pathak, learned counsel for the applicant and Sri P. Krishna, learned counsel for the respondents.

2. The case of the applicant, in brief is that he worked as a Casual Carpenter from 21.7.83 to 24.1.1986 under the control of Garrison Engineer (MES) NO.1 Bareilly Cantt. and in terms of Model Standing Order issued by Ministry of Labour, Govt. of India, his services ought to have been regularized as Carpenter in Group 'D'. It was in the year 1986 that the applicant received a letter dated 25.8.1986



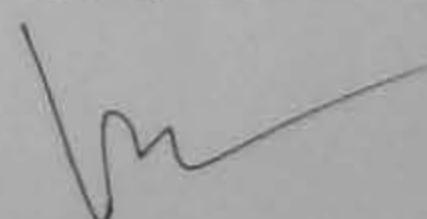
(16)

from respondent NO.6 to the effect that his case would be considered in future as and when the vacancies so arose. Copy of this letter is annexed as Annexure A-4. He says that the respondents appointed a fresh carpenter in 1987 leaving the applicant out of consideration. He gave several representations to the Authorities including to the Secretary, Govt. of India. Copies of which ~~is~~ ^{are} Annexures A-5, A-8, A-9, A-10, A-12, A-17 and A-23, requesting for re-engagement and regularization. It is said that he filed a petition before Assistant Labour Commission (C) Dehradun on 3.2.2001 raising industrial disputes. It is said that by the impugned order dated 4.12.2001 (Annexure A-1), matter was rejected by the Authority concerned on the ground that the dispute had been raised after a lapse of 15 years without any justification and secondly the applicant had not worked for 240 days in any year.

3. Aggrieved of all this, the applicant has filed this Original Application saying that the Authorities have acted unfairly and arbitrarily by overlooking the claim of the applicant for re-engagement and regularization.

4. The respondents have contested the claim by filing the reply. According to them, the applicant was a muster roll employee and had no claim for re-engagement or regularization.

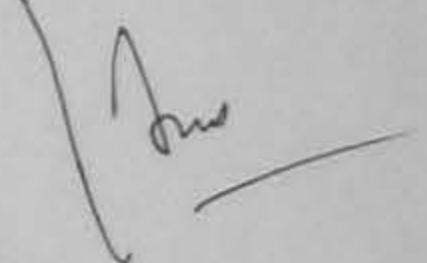
5. Sri R.C. Pathak, learned counsel for the applicant has submitted that it will be sufficient if this O.A. ^{is} ~~itself~~ is disposed of with a direction to the respondent NO.6 namely



Garrison Engineer (M.E.S.) No.1 Bareilly Cantt. to consider the candidature of the applicant as per Rules for appointment in Group 'D' whenever vacancy in the said Group arises in future.

6. I think after statement of Sri R.C.Pathak, learned counsel for the applicant, there is no need for entering into the other points. So this O.A is finally disposed of with a direction to the respondent NO.6 that whenever the vacancies in Group 'D' in the said establishment arises in future and decision is taken to fill in ^{the same} ~~future~~ the candidature of the applicant will also be considered in accordance with the Rules for appointment, if he ~~also~~ ^{applies} for the post in accordance with the relevant Recruitment Rules.

No costs.


Vice-Chairman

Manish/-