

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

D.A. No. 684/89

Khustar Mahmood

Applicant.

VERSUS

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was originally appointed as Refrigeration Mechanic on casual basis on 23.8.1983 ~~on casual basis~~ by the Garrison Engineer, M.E.S., Bamrauli, Allahabad. The applicant who was working since then without break continuously worked with effect from 6.4.84 for 178 days which is also evident from the certificate issued by the respondents itself, a copy of which has been placed on record. The applicant could get appointment only when his name was sponsored from the Employment Exchange and he was fully qualified for the post as he was holding I.T.I. certificate in that trade.

Applicant's grievance is that junior to the applicant were regularised but his services were not regularised, though according to the applicant he has worked for 267 days between 23.8.83 to 6.10.84 within a span of one year. Under the Model Standing Orders, the benefit is admissible for the persons who have worked for 180 days and the applicant has worked for 180 days during the span of one year. Reliance has been placed on the decision of Govt. of India, Ministry of Defence letter No. F-20/3/82-D(Appts) dated 22.3.1982, by which the Model Standing Orders with certain modifications has been made applicable to all Central Government Departments and offices and thus, the applicant is claiming the

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benefit of that. The respondents have pleaded that the Model standing orders are not applicable in the present case. It appears that the applicant has been making representations but even thereafter no appointment has been given that is why the applicant approached this Tribunal.

The respondents have stated that the application is time barred and it cannot be entertained. The applicant has come so late and accordingly, no such direction can be given that he may be regularised. The applicant has been agitating the matter when the department realized his mistake he called for the applicant for interview, though the applicant has attained the status as mentioned in the circular mentioned above. His case can be considered for re-employment, although he cannot be appointed. Accordingly, the respondents are directed to re-consider the case of the applicant for re-employment and there^R appears to be no reason why in the circumstances referred to above, he may not be re-employed, within a period of three months from the date of communication of this order. It will be open for the department to treat the applicant in continuous service but without any monetary benefits.


Adm. Member.

Allahabad Dt. 31.10.91
Shakeel/


Vice Chairman