

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

O.A.No.1443/92

Abid Ali & others

.....Applicants

Versus

Union of India & others

.....

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

Hon. Mr. V.K.Seth, A.M.

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

This is an application for permission to file application jointly as the cause of action accrued to the applicants is the same. and hence the application is allowed and the objection in this behalf are rejected. There is no need for permission to file application jointly as the applicants have filed affidavit and counter affidavit the facts are quite clear so that the application is rejected and the case is disposed of finally.

2. The applicants claimed that they started working as Anti-Malaria Lascars in 7-Air Force Hospital Cantt in Kanpur. The applicants alleged that their names were forwarded by the local Employment Exchange Kanpur to which the requisition was made. It was directed to the applicant to appear before the respondent no.4 on 16.3.1992 at 7-Air Force Hospital Cantt. Kanpur. After

selection, the applicants were asked to complete certain other formalities like filing of attestation form. The applicants ~~were~~ submitted this attestation form on 1.4.92. It is stated that the identify card has been issued to the applicant. It is significant to mention here that the period for which the names of the applicants were sponsored neither intimated by the employment officer nor told by the respondent no.4.

The applicants have been working to the entire satisfaction of the respondent no.4 since 1.4.1992 and also got salary through respondents in each of the month. All of a sudden respondent sent an information to the applicants that their services are going to be terminated and the applicants learnt that no order is to be served on the basis that since no appointment order has been issued. Therefore, orally termination would suffice. The applicants were orally informed by the respondents No.4 that their appointments are purely temporary/a daily rated anti-Malaria Lascars, they moved an application jointly to the A.G.s Branch, Army Head Quarter New Delhi on 07 09 92 with the request that they ~~have~~ be absorbed and regularised on the post on which they are working which exist to enable them to save their own lives and the lives of their dependents. The applicants have asserted that respondent No.4 used

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to appoint the candidates on the post of Anti-Malaria Lascars only purely on temporary basis or as daily rated workers basis for the post and got them subsequently absorbed on the permanent post of Lascars in different units. But in the case of the applicants no such initiatives were taken because the applicants were appointed fairly through Employment Exchange whereas there were large number of vacancies of Lascar. A reference has been made by this Tribunal in O.A. No.957/1989 Virendra Kumar and others versus Union of India and others in which the directions were given to the respondents that the case of the petitioner shall be considered by the respondent No.2 for appointment and absorption on the post of Anti-Malaria Lascars and other allied, ~~it is~~ against the newly created post within the period of two months from the date of receipt of certified copy of judgment. The only difference in their case and the case of the applicant in O.S.No.953/89 is that they were served with notice that prior to the completion of their six months service in writing wherein the applicants are told earlier of their sensation of employment against statutory provision. Their appointment


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on the said posts are orally and without any appointment letter after completion of the formalities i.e. submission of attestation form, issue of Identity Card etc and also the receiving of appointment letter within the period of a complete month. Hence their services cannot be terminated by oral order which is discriminatory and ⁱⁿ violation of Article 14 and 16 of the Constitution of India. Therefore, the applicants are entitled to be considered on the post of Anti-Malaria Luscars which are in existence.

3. Thus the petition is therefore, disposed off with the direction that the case of the applicants shall be considered by the respondent no.2 for appointment and absorption as Anti-Malaria Luscars and the other allied posts against newly created post within a period of two months from the date of communication of this Judgment. Respondents are further directed that they shall not issue any appointment letter out of the persons who were working. No order as to the cost.

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MEMBER(A)


VICE CHAIRMAN

Dated: Allahabad : 12-07-93

(13)

O.A.No.1443/92

12.4.93:- Hon. Mr. Justice U.C.Srivastava- V.C.
Hon.Mr. V.K.Seth, A.M.

Heard the counsel for the parties.
Judgment dictated in the open court.

(Is)

Just
A.M.

V.C.