

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 25th day of May, 2001

Coram: Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION NO. 1692 OF 1992

Mahesh Kumar,  
son of Ram Adhar,  
r/o 553-C Block Shyam Nagar,  
Kanpur.

.... Applicant

(By Advocate: Sri Pankaj Bhatia )

Versus

1. Union of India, through the Secretary,  
Ministry of Defence, New Delhi.
2. The Manager,  
O.I.C., Military Farm,  
Kanpur.
3. The Deputy Director of Military Farms,  
Central Command, District Lucknow.

.... Respondents

(By Advocate: Km. Sadhna Srivastava)

— O R D E R — (ORAL)

(By Hon'ble Mr. Rafiq Uddin, JM)

The applicant has filed this O.A. for issuing a direction to the Respondents to reinstate the applicant in service and to pay him all the salary and other benefits as also to regularise his service on the appointed post.

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2. The case of the applicant is that he was appointed as Tubewell Operator on daily rate basis at the Military Farm, Kanpur Nagar in July, 1985. The applicant claims that he has been working continuously on the said post upto 31st August, 1992. The applicant submitted his representation before the Manager, Military Farm, Kanpur for regularisation of his services, but no action has been taken so far.

3. The case of the Respondents, as disclosed in the CA, is that the applicant was appointed as a daily rated labour, as and when required and he was never appointed as a Tubewell Operator. It is also stated that the applicant left the job at his own will. It is also denied that the applicant had worked upto 30.3.92 as Class IV employee.

4. I have heard parties' counsels and perused the records of the case.

5. It is not disputed that the applicant had worked as a casual labour during the period July 1985 to August, 1992. The grievance of the applicant is that some of his junior, namely, S/ Sri Haman Singh, Rameshwar and Durga Prasad have been regularised by the respondents. It is, however, not established that 3 persons are juniors. It is clearly evident from a perusal of the seniority list filed by the applicant himself with RA as Annexure, in which all these persons are shown as senior to the applicant. The O.A. is disposed of with the direction to the respondents to consider the case of the applicant for regularisation as and when his turn comes as per seniority list. No order as to costs.

*Rafiq Uddin*  
( RAFIQ UDDIN )  
JUDICIAL MEMBER

Nath/