

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD
O.A.No.673/92

Shri D.K.Singh &
Others ::::::::::: Applicant

Vs.

Union of India &
Others ::::::::::: Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

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

1. The applicants, three in number, have approached this Tribunal against the termination of their services. In order to fill up the Direct Recruitment vacancy for the post of Coupon Clerk, Bearar and Sweeper, in the departmental Canteen of Varanasi, at Head Post Office, an advertisement was issued by the President of the said Canteen. These applicants also applied and they were selected on 27-3-91 and after that they joined their services. There is no denial of the fact that the services of such employees are governed by departmental employees' recruitment and service rules 1980. Vide order dated 20-2-92 the services of these applicants were discharged. Apart from stating that they are relieved from service, nothing has been mentioned in the said order.

2. Feeling aggrieved against the said termination order, the applicants have approached this Tribunal stating that they were regularly appointed employees in

the said post and their probation period is still continuing and their termination order is in violation to the principles of natural justice.

3. The respondents, in the written statement, have stated that the directions of the Government of India contained in order dated 19-7-85 regarding creation of posts and empanelment of candidates for the existing vacancies are applicable to this Canteen also. Keeping this decision in view the orders were issued by the Finance Ministry on 6-9-79 and a proposal for creation of various posts are to be examined clearly. A letter was issued on 27-7-86 in this respect. Despite this order the appointments have been made and that is why these appointments have been cancelled. It has also been pointed out that the appointment was accepted by the competent authority for a period of one year. The budget must be scrutinized and the approval regarding the finance, including the appointment etc. should come from the higher authorities. It was mentioned that 70% of the salary of the staff is to be made from the welfare fund of the Canteen and 30% from the profit of the Canteen Fund. Despite the ban order of the Government, the advertisement was made and appointments were also made. The applicants were not responsible for the same. They could not understand the technicalities of law. Even if their appointment is wrong, in case posts are still available, there appears to be no reason as to why their cases cannot be scrutinised and screened, and if they are found suitable why their services cannot be regularised or given fresh appointment, in preference to a new comer.

4. Accordingly the respondents are directed to consider the case of the applicants in view of the above directions. In case they are found fit after screening they may be given fresh appointment or they may be regularised instead of giving appointment to any other persons as the process of advertisement and selection is followed in their cases, may be by competent or incompetent authority, against whom no action has been taken. With the above observations the application stands disposed of. No order as to the costs.

R. Bhargav
Member (A)

U
Vice-Chairman.

Dated: 4-5-93, Allahabad.

(tgk)