

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 759 of 1992

Manoj Kumar and Ors Petitioners

Versus

Union of India and Ors Respondents

HON'BLE MR. JUSTICE R.K. VARMA, V.C.

HON'BLE MISS. USHA SEN, A.M.

(By Hon. Mr. Justice R.K. Varma, V.C.)

This is a petition filed under section 19 of the Administrative Tribunals Act 1985 by 19 petitioners who were appointed as daily rated employees in the Central Excise and Customs Collectorate, Kanpur after being sponsored by the Employment Exchange. The petitioner No.1 was appointed on 20.12.88, the petitioner no. 2 to 16 were appointed on 21.2.89 and petitioner no. 17&18 were appointed on 21.3.91.

2. For giving regular appointments on the post of Sepoy 51 daily rated employees including the petitioners were asked to appear before the Interview Board on 13.10.91. All the 51 candidates including the petitioners were interviewed on 14.11.91 and were found suitable for being given regular appointment as Sepoy. Some of the candidates who were initially appointed after the petitioner no.1 and alongwith rest of the petitioners on 21.2.89 were given regular appointment as Sepoy in group 'D' pursuant to the interview on 14.11.91.

3. On 30.3.92 the impugned circular (Annexure A-1 to the petition) was issued by the Govt. of India, Central Board of Excise and Customs to all Heads of Departments under Central Board of Excise and Customs on the subject of engagement and regularisation of casual workers in group 'D' posts. This circular directed that the services of casual workers recruited after 7.6.88 i.e. the date on which Ban orders came into operation, will have to be dispensed forthwith. It was also directed that only those casual workers who were recruited before 7.6.88 and continued to be in service could be considered for regularisation subject to the availability of vacancies.

4. The respondents accordingly stopped the process of regularisation of the petitioners who were told that ~~that~~ their services shall stand terminated by the end of May 1992.

5. The petitioner's contention is that the circular dated 30.3.92 ought ~~not~~ to apply to the petitioners as they were interviewed and selected for appointment on regular post in group 'D' prior to the issue of the said circular.

6. Learned counsel for the petitioners has cited a decision of this Tribunal in O.A. No. 787 of 1992 Mahesh Kumar Singh Vs. Union of India dated 23.3.93 in support of the submission that the petitioners who have been interviewed and selected for regularisation are entitled to be regularised against the available vacancies in case the

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juniors to the petitioners have been regularised.

7. Having heard learned counsel for the parties, we think it just and proper to accept the aforesaid submission of the learned counsel for the petitioners and to direct the respondents to regularise the petitioners who were interviewed and selected for appointment on regular post in group 'D' prior to the issue of the circular against the available vacancies in case juniors to the petitioners have been regularised and we do hereby direct accordingly.

8. Accordingly, this petition is allowed with no order as to costs.

Umesh
Member(A)

R.K. Verma
Vice Chairman

Dated: April 11th, 1994

Uv/