

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 6th day of September 2000

Original Application no. 137 of 1993.

Hon'ble Mr. Justice R.R.K. Trivedi, VC

Hon'ble Mr. M.P. Singh, AM

1. Arvind Kumar, S/o Sri Raja Ram Sharma,  
Assistant Instructor Hand Block Printing  
Training Central Amroha Distt. Moradabad  
Office of the Development Commissioner,  
(Handicrafts).
2. Km. Madhuri Gupta, D/o <sup>S</sup>Sri Pateswari Prasad,  
Training Centre Chinhath.

.. Applicants


C/As Sri N.L. Srivastava

Versus

1. Regional Director (Centre Region) 46/3  
Gohaley Bihar Marg Lucknow U.P. Office  
of Development Commissioner (Handicrafts)  
Ministry of Textile.
2. Development Commissioner (Handicraft)  
Ministry of Textile West Block no. 7  
R.K. Puram, New Delhi.
3. <sup>As</sup>Addl Development Commissioner (H) Ministry of  
Textile West Block No. 7 R.K. Puram New Delhi.
4. Union of India through Secretary Ministry of  
Textile Udyog Bhawan, New Delhi.

.. Respondents

C/Rs Sri A. Sthalekar





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O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, VC

Applicants have filed this OA under section 19 of the Administrative Tribunal Act, 1985, challenging the order dated 20.05.92 under which their services as Asstt. Instructor were terminated by respondent no. 1.

2. The facts in short are that the post of Asstt. Instructor were advertised on 10.02.92 and applications were invited from the eligible candidates. Selection proceedings took place on 24.2.92 in which four person were selected for appointment, namely Shri Bacchan Yadav, Shri Kamrul Hasan, Km. Madhuri Gupta and Shri Arvind Kumar. They were allowed to join the post on the basis of appointment order. However, under the direction dated 27.4.92 of Addl. Development Commissioner (annexure 11) the services of the applicants were terminated by order dated 20.5.92 (annexure A4). Aggrieved by this the applicants have <sup>filed</sup> approached this Tribunal.

3. It is not disputed that similarly situated candidates Shri K. Hasan, who was selected for appointment alongwith applicants and was terminated by a sepetate order dated 20.05.92, filed an OA 751 of 1992 in the Tribunal. A Division Bench of this Tribunal examined the whole controversy and then directed reinstatement of Shri K. Hasan by order dated 9.2.93. The relevant part of para 4 of the order is being reproduced below :-

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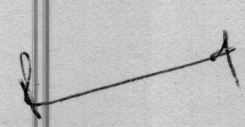


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"....Obviously 4 appointments were made. The respondents could have created ex-cadre posts for these persons and as and when the vacancy in the cadre existed they could have been provided the cadre posts, but that was not resorted to. It is not a case of the respondents that the entire selection was cancelled but three more appointments were made in the office. In the case of direct appointment the person cannot normally be ~~reverted~~ reverted to the said post below the one he is appointed. The applicants continued to hold the said post under the interim orders of the Tribunal. The respondents are directed to take into consideration the above position within a period of one month and create extra and necessary post for the applicant. In case, during this period more posts were created, obviously the applicant will be adjusted. The application stands disposed of finally with no order as to costs."

4 This aforesaid order <sup>was a</sup> ~~has been~~ challenged before <sup>at a</sup> ~~the~~ Hon'ble Supreme Court. However, the order dated 09.02.93 of the Tribunal was confirmed. In our opinion, as the present applicants were selected for appointment as Assistant Instructor in the same selection and their services were terminated on the same date under the direction of superior authority, <sup>the</sup> ~~The~~ facts are similar and they are also entitled for the relief.

5 The OA is accordingly allowed. The impugned

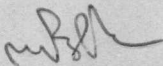


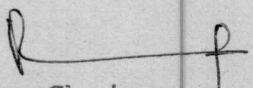
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orders dated 20.05.92 (annexure 4) is quashed.

The applicants shall be entitled to reinstate on the post of Assistant Instructor with all consequential benefits, except back wages.

6. No order as to costs.

  
Member-A

  
Vice-Chairman

/pc/