

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 10th day of April 2001.

Original Application no. 162 of 1994.

Hon'ble Mr. SKI Naqvi, Member-J  
Hon'ble Maj Gen KK Srivastava, Member-A.

Jai Bir Singh, S/o Sri Ranbir Singh,  
C/o Sri Manbir Singh,  
26/152-B Basai Kala,  
Tajganj Agra.

... Applicant

C/A Sri Arvind Kumar

Versus

1. Union of India through the Directorate of Field Publicity, Govt. of India, Ministry of Information and Broadcasting,  
NEW DELHI.
2. Director, Directorate of Field Publicity, Govt. of India, Ministry of Information and Broadcasting, R.K. Puram, East Block-IV, Level-III, NEW DELHI.
3. Regional Publicity Directorate, Ministry of Information and Broadcasting, Regional Office, 38-D Tilak Road,  
DEHRADUN.
4. The Field Publicity Officer, Directorate of Field Publicity Circle,  
AGRA.

... Respondents

C/Rs Sri C.S. Singh

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O R D E R(Oral)

Hon'ble Mr. SKI Naqvi, Member-J.

The applicant has come up seeking relief to the effect that the respondents be directed to re-engage him as Field Publicity Assistant and also to regularise his services as such.

2. As per applicant's case he was appointed on daily wages under the order of Field Publicity Officer, Agra on 20.12.82. The work of the applicant was that of Field Publicity Assistant. Though regular appointment on the said post could be made by way of selection. He worked as such upto 10.11.1997 with some intermetant breaks as artificial breaks. The applicant has detailed his working days. He worked for 101 days in the year 1983, 236 days in the year 1985, 217 days in the year 1986 and 221 days in the year 1987 and, thereafter, he was orally disengaged without any show cause notice or inquiry. The applicant made several representations to the authorities, but with no success and ultimately he came up before the Tribunal through OA no. 691 of 1991 which was decided on 15.9.92 holding that "of course within a period of one year the applicant did work for 240 days, if the artificial breaks are ignored" it was also observed therein that "It is true that the post is a selection post and the applicant was never selected, but as a matter of fact he was required to perform the duty of Field Publicity Assistant without been given any regular appointment." "The applicant continued to work for a period of 5 years but no selection was made and thereby the case of the applicant could have been

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considered for regularisation instead of throwing him out of service. Going by this findings the Tribunal passed direction in that OA that the applicant be taken back in the service in case the work is available and any person who was appointed subsequent to the applicant as casual labour <sup>has been retained</sup> ~~he is~~ retaining and doing the same work. It has further been directed to the respondents to consider the case of the applicant for regularisation in accordance with law within a period of 4 months from the date of communication of the order passed in referred OA 691 of 1991. The applicant communicated the order and was re-engaged for some time as casual labour and, thereafter, disengaged. The applicant has grievance that inspite of definite finding and direction of the Court, the same has not been followed by the respondents who did not engage him as Field Publicity Assistant nor considered his services for regularisation.

3. Respondents have contested the case and filed counter affidavit with the mention that the order has been complied with in its spirit & letter.

4. Heard learned counsel for the rival contesting parties and perused the record.

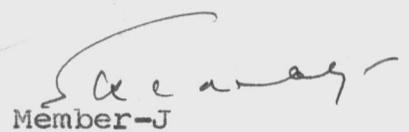
5. We find that after comprehensive judicial review of the matter of OA 691 of 1991 there remains nothing to reopen on judicial side. In case the Tribunal's order has not been complied with, as the applicant has

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assailed, no second seal by the Tribunal is needed in the matter. If there is any defiance of the Court's <sup>Could</sup> order, the applicant ~~to~~ come on contempt side for which liberty is granted, if petition is brought within 60 days from the date of this order. The OA is decided with the above direction.

6. There shall be no order as to costs.

  
Member-A

  
Member-J

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