

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 19TH DAY OF DECEMBER, 2000

Original Application No.1225 of 1994

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Gurdeep Kumar, S/o Hari Charan, a/a
30 years, R/o 225/12 Labour Colony,
Babupurwa, Kanpur (last employed at
DMSRDE Kanpur)

... Applicant

(By Adv:Shri V.B.Tewari)

Versus

1. Union of India through its Secretary
Ministry of Defence,
New Delhi.
2. Director, Defence Material and
Store, Research and Development
Establishment, G.T.Road, Kanpur.

... Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R (Oral)

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

By this application u/s 19 of A.T.Act 1985 the applicant has prayed for a direction to the respondents to regularise the service of the applicant as regular helper in the office of Defence Materials/Stores, Research Development Establishment, Kanpur. The learned counsel for the applicant has submitted that applicant joined the establishment through employment exchange on 17.3.1987 as casual mazdoor. He served upto 1990. Thereafter he was not assigned work. Feeling aggrieved he filed a representation on 26.6.1990, a copy of which has been filed as (Annexure 5 to this application). However, neither the applicant has been regularised nor his representation has been decided. Learned counsel for the applicant placed reliance on an order of this Bench dated 13.9.2000 in OA 694/94 Sharda

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Prasad Vs. Union of India and Ors and has submitted that the applicant is also entitled for the similar relief.

Ms.Sadhna Srivastava on the other hand submitted that the applicant has not challenged his termination from service and as such the order of this Tribunal passed in OA 694/94 cannot help the applicant in the present case.

We have carefully considered the submissions of the learned counsel for the parties. There is no order of termination in writing against the applicant. No such document has been filed alongwith the counter affidavit. In the circumstances, even if the applicant was not allowed to work on the basis of oral order that may not come in his way in consideration of his claim for regularisation on the basis of O.M. dated 26.10.1984 and 7.6.1988 which have been filed as (Annexures 4 & 5 to the C.A.) This Tribunal in case of Sharda Prasad(Supra) gave the following directions:-

"With the position as discussed above, we are of the view that the respondents be directed to reconsider the whole matter, decide the representation of the applicant dated 17.4.1993 as well as the pending appeal of the applicant dated 7.5.1993 and pass detailed, speaking and reasoned order within 3 months from the date of communication of this order by the applicant, who shall also furnish the copy of the above referred representation dated 17.4.1993 and appeal dated 07.5.1993 to the respondents, alongwith copy of this order. The respondents are directed accordingly."

This application is also disposed of finally on the same terms and conditions as mentioned in para 6 of the aforesaid

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order.

There will be no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 19.12.2000

Uv/