

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 21st day of December, 2000

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

Hon'ble Mr. S. Dayal, AM

Original Application No. 1280 of 1995

1. Sri Virendra Kumar, s/o Madho Ram,
aged about 27 yrs., r/o 37/1, Babu Purwa Colony,
Kanpur (S.H.O./339).
2. Sant Lal, aged about yrs,
s/o late Sri Mansha Ram,
r/o H.N.133/96-B, Rattu Purwa,
Transport Nagar, Kanpur (S.H.O./340).
3. Dinesh Kumar, aged about 28 yrs.,
s/o Sri Ram Krishna Shukla,
r/o Barra South (Karray),
H No. 104, Kanpur (S.H.O. 341).
4. Ram Krishna Ram, aged about 23 yrs,
s/o Sri Subedar Ram,
r/o 18/6, Sakhet Labour Colony,
Dada Nagar, Kanpur (S.H.O./344).
5. Raju Kuril, aged about 28 yrs,
s/o Sri Shyam Lal, r/o Bania Bazar,
Chakeri Road, Contt. Kanpur (S.H.O./345).
6. Roop Chandra, aged about 27 yrs,
s/o Sri Kishori Lal Gautam,
r/o 14/19, Civil Lines, Kanpur (S.H.O./346).
7. Sunil Kumar Awasthi, aged about 27 yrs.,
s/o Sri Radhey Shyam Awasthi,
r/o 86/104, Ram Purwa, Kanpur (S.H.O./348).
8. Prem Chandra Pal, aged about 27 years,
s/o Sri Heera Lal Pal,
r/o 46 K Lal Kunti Bazar,
Contt. Kanpur (S.H.O./349).

. Applicants

(By Advocate Sri B.N. Chaturvedi)



Versus

1. Union of India, through the Secretary, Ministry of Defence, South Block, New Delhi.
2. The A.C. in C., Head Quarter Maintenance Corp., I.A.F., Vayu Sena Nagar, Kanpur & 44007.
3. A.C.'s Branch, Army Headquarters, D.H.Q P.O., New Delhi.
4. Commandant, 7, Air Force Hospital, Cantorment, Kanpur.

(By Advocate Sri S.C. Tripathi) . . Respondents.

O_R_D_E_R

(By Hon'ble Mr. Justice R.R.K. Trivedi, VC)

By this application u/s 19 of the Administrative Tribunals Act, 1985 the applicants have prayed for a direction to the respondents to consider their absorption on regular and permanent posts in the department.

The applicants are serving on casual ^{basis} under the Respondent no.4, Commandant, 7, Air Force Hospital, Cantorment, Kanpur, as Anti-Malaria Lascars. It is claimed that they were engaged on different dates from March, 1990 to March, 1991. The learned counsel for the applicant has submitted that more than 10 yrs. have passed the applicants are serving as Anti-Malaria Lascars, but their claim has not yet been considered for absorption on regular basis in the department.

The learned counsel for the applicants has invited our attention to the order of this Tribunal passed in O.A no.953 of 1999 (Annexure No.6 to the O.A.) and O.A. No.1443 of 1992 (Annexure No.7 to the O.A.).

3.

By the aforesaid orders, this Tribunal gave the following nature of directions:-

" Thus, the petition is, therefore, disposed of with a direction to the Respondents that the case of the petitioner shall be considered by the Respondent no.2 for appointment and absorption as Anti-Maleria Lascars and other alleged posts against the newly created vacancies within a period of 2 months from the date of receipt of a copy of this order bearing in mind this Tribunal's interim order dated 7.11.99."

2. We have heard the counsel for the Respondents and also perused the counter affidavit filed ~~registering~~ ^{resisting} the claim of the applicants. However, we do not find any substance on which basis it may be said that the applicants are not entitled for the similar relief, except that the applicants have approached this Tribunal in 1995, whereas the applicants in the aforesaid two OAs had approached earlier. The learned counsel for the applicants has submitted that some of the applicants in the earlier OAs are junior to the present applicants and the Respondents while giving the benefit of absorption to those applicants, they ought to have considered the cases of the present applicants also. In our opinion, ~~in~~ ends of justice require ^u that the applicants may also be considered for absorption and regularisation, as given to other similarly situated persons serving as Anti-Maleria Lascars.

3. The application is accordingly disposed of with a direction to the Respondent no.4 to consider the case of the applicants for absorption and regularisation as done in other cases. No order as to costs.

A.M.

V. C.

Nath/