

24.4.2000

HON.MR.S.K.I.NAQVI, MEMBER(J)

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

Shri Ajai Rajendra learned counsel for the applicant. Shri A.K.Gaur learned counsel for the respondent no.1,2 and 3. No one for the other respondents. With the consent of learned counsels for either contesting party the matter to be heard finally at the admission stage.

This OA is being made against the declaration of panel of senior persons other than the applicants on the post of Section Controller of which the applicants are working continuously from the last about 8 years since when the respondents administration was in grave and urgent need ^{and} ~~that~~ ^{when} ~~there is~~ no senior persons even offered their services on the post of Section Controller. The applicants, as per their case, have already passed their written examination vide result dated 16.2.1995 and have also successfully cleared the interview. Now the applicants claimed to be regularised on the existing vacancies ⁱⁿ ~~of~~ ^{on} which they are working continuously ^{direction} in view of the common judgment dated 7.5.93 in OA 355/91 and OA 708/91 in which the applicants were party. Now they have come up seeking the relief that the panel issued by the respondent no.2 be quashed and the applicants be regularised and thereafter the process of empanelment be taken up.

The official respondents (respondent no.1,2, and 3) have contested the case and the other respondents have not put in their appearance inspite of notices to them. The contesting respondents have come up with a case that the applicants could not qualify the examination for empanelment and therefore they have not been empanelled ^{for} to the regularisation.

Perused the copy ^{pleadings and considered the arguments} of arguments advanced from either side, on record. The learned counsel for the applicant has given emphasis to the finding and direction in OA 355/91 and OA 708.91 both of which were decided on 7.5.93 through a common

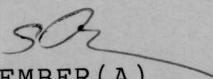
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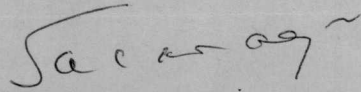
judgment in which the claim of regularisation of the applicants was upheld and there was a direction to the respondents to hold a supplementary test of the applicants for empanelment. During the course of argument the learned counsel for the applicant has contended with force that the applicants are entitled to be regularised for having successfully qualified the examination held for the purpose and also on the basis of services rendered by them and directed in the above mentioned OA decided on 7.5.93.

The learned counsel for the respondents drew our attention towards ratio in 1994(28)ATC 410 and challenged the maintainability of this OA.

^{Considering}
(Considered) the arguments advanced from either side and pleadings placed by the contesting parties we find that in the present OA the applicants have claimed their regularisation on the basis of services rendered by them on the post to ~~which they claimed their regularisation~~ and for which they have the force from the directions in the decided matter between the parties, as referred above, for ~~regularisation of their services~~. We don't find any such ~~of~~ direction is needed to ^{provide further strength to} ~~put force on~~ the direction of the Tribunal already made. The applicants have also claimed to have successfully qualified for empanelment but this fact has been controverted from the side of the respondents and the applicants have failed to show that the contention from the side of respondents on this count is not tenable.

With the above position in view we find no further direction is needed as prayed for in the present OA and the same is dismissed accordingly. No order as to costs.


MEMBER(A)


MEMBER(J)

Dated: 24.4.2000

Uv/