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Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD.

....

Original Application No. 1113 of 1995

this the 16th day of May' 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)  
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Suresh Kumar, S/o Sri Ram Sewak, R/o House no. 86/275

Afeem Khatki, P.O. Anwarganj, Kanpur.

2. Babu Ram, S/o late Sri Kishan Lal, R/o House No. 39  
P.O. Khanpur Chakeri Road, Kanpur.

3. Vijay Pal Kureel, S/o Sri Raghunath, R/o Village Maajipur  
p.O. Bharu, District Kanpur city.

4. Daya Shanker, S/o late Sri Chunnu Lal, R/o Village Shiv-  
katra post Harjinder Nagar, Kanpur.

5. Suresh Chandra, S/o Sri Sarju, R/o Village Harbanspur,  
P.O. Bidhanu Kasharwa, Kanpur city.

6. Suresh Kumar, S/o late Sri Bindeshwari prasad, R/o  
House no. 404 Ompurwa Harjinder Nagar, Chakeri Road,  
Kanpur.

Applicants.

By Advocate : Sri R.P. Singh.

Versus.

Union of India through A.G.S. Branch, Army Headquarters,  
DHQ, P.O. New Delhi.

2. The Air Officer Commanding in Chief, H.Q Maintenance,  
Indian Air Force, Vahu Sena Nagar, Nagpur.

3. The Commanding Officer, 402, Air Force Station,  
Chakeri, Kanpur.

Respondents.

By Advocate : Sri R. Misra for Sri S.C. Tripathi.

ORDER (ORAL)

S. DAYAL, MEMBER (A)

This application has been filed for a direction  
to the respondents to prepare a list of these candidates  
who have worked on the post of Anti Malaria Luscar and  
consider their absorption on regular basis in accordance



with their seniority against Group 'D' post. A further prayer has been sought to the respondents for restraining them for employing other persons in place of the applicants.

2. The case of the applicants is that the applicant nos. 1,2 & 3 were initially engaged during the year 1990 and were appointed on the post of Seasonal Anti Malaria Luscar w.e.f. 2.5.90 to 31.10.1990, while the applicant nos. 4,5 & 6 were initially engaged in the year 1991 and were appointed on the post of Seasonal Anti Malaria Luscar w.e.f. 2.5.91 to 31.10.91. The names of the applicants were sponsored by the local Employment Exchange at the time of appointment. The respondents were asked the applicants to remain present with their certificates by letter dated 23.3.1995. All the applicants were presented before the respondents and were selected and they were engaged from 17.5.1995 after completing all the formalities. The applicants have sought the relief in the light of the above facts.

3. We have heard Sri R.P. Singh, learned counsel for the applicant and Sri R. Misra proxy counsel for Sri S.C. Tripathi for the respondents.

4. The learned counsel for the applicants has sought the relief in the present case in the light of the judgments of this Tribunal namely O.A. no. 953/89 decided on 11.7.1990, O.A. no. 1443/92 decided on 12.4.1993, O.A. no. 249/96 decided on 16.1.1997 and O.A. no. 1623/94 decided on 22.3.2001.

5. We find that the O.A. no. 953/89 was decided giving directions to the respondents for appointment and absorption as Anti Malaria Luscar and other~~xx~~ allied posts against the newly created vacancies. ~~exist.~~ In O.A. no. 1443/92, the respondents were directed to consider the applicant for appointment and absorption as Anti Malaria



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Luscar and other allied posts against newly created posts. In O.A. No. 249 of 1996 directions were given to the respondents in the light of the circular no. Air HQ/23064/28/1/AML/PC-4 dated 16.12.1994 in which units under Maintenance Command of Indian Air Force were directed to prepare the notional seniority list of those engaged as Anti Malaria Luscars on sponsorship. The Air Headquarter also issued the direction that the temporary status should be granted to those casual employees including Anti Malaria Luscars who have rendered 240 or 206 days of service in a year for 6 days/ 5 days in a week. In O.A. No. 1623 of 1994 the said circular dated 16.12.1994 was relied-upon and the directions were given to the respondents to consider the claim of the applicants for inclusion of their names in the register for giving engagement, when-ever the work is available.

6. The respondents have denied that 2000 vacancies of SAML were released for employment and stated that there is ban on recruitment.

7. It appears from the orders of this Tribunal given in the earlier O.As that a scheme exists for inclusion of the name on a register in order of seniority and thereafter considering <sup>the</sup> persons entered in the register for grant of work as Seasonal Anti Malaria Luscar, grant of temporary status and for regularisation. It would be appropriate for the respondents to consider the claim of the applicants in the light of the scheme operated by them.

8. We, therefore, direct the respondents to consider the claim of the applicants for inclusion <sup>of</sup> the

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name of the applicants in the register and grant of benefits as per the current scheme ~~as per~~ on the basis of seniority of the applicants and availability of ~~the~~ vacancies. The O.A. stands disposed of with the above directions. No order as to costs.

*Rafiquddin*  
MEMBER (J)

GIRISH/-

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MEMBER (A)