

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

DATED: THIS THE 09TH DAY OF APRIL, 1999.

Coram:- Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr.S.L. Jain, J.M.

ORIGINAL APPLICATION 332/99

Km. Veena Sharma D/O Late B.R. Sharma resident of
71/11 Block -8, Govind Nagar, Kanpur, 208 006.

. . Applicant.

Counsel for the Applicant: Sri S. Dwivedi, Adv.

Versus

1. Union of India through the Secretary,
Ministry of Commerce, Government of India,
New Delhi.
2. The Director General, Foreign Trade,
New Delhi.
3. The Chief Controller of Imports and Exports,
Udyog Bhawan, New Delhi.
4. The Joint Chief Controller of Imports and
Exports, Indraprasth Bhawan, New Delhi,2.
5. The Joint Chief Controller of Imports and
Exports 7/194, Swaroop Nagar, Kanpur, 208002.

. . Respondents.

Order


(By Hon'ble Mr.S. Dayal, Member (A))

The applicant has filed this application for

seeking the following reliefs:-

- (A) That the respondents be directed to engage/appoint the applicant on the post of lower division clerk in the department of Imports and Exports and regularise her services against regular vacancy of lower division clerk similar to similarly situated and junior persons mentioned in original application and she be allowed all the consequential benefits w.e.f. the date of regularisation of services of similarly situated and junior persons.
- (B) That Director General, Foreign Trade New Delhi may be directed to decide representation dated 26.7.1996 of applicant and communicate the decision taken thereon to applicant.
- (C) Any other and further relief which this Hon'ble Tribunal may deem fit and proper be also awarded to the applicant.
- (D) Cost of proceedings be awarded to the applicant.

2. The facts as narrated by the applicant are



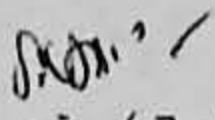
that the ^{appointed} respondents/her as a lower Division Clerk on temporary and adhoc basis by order dated 4.11.1982. The applicant was transferred to the office of Joint Chief Controller of Imports and Export (C.L.A.) New Delhi on 4.7.1986 and joined on 24.7.86. The Government of India prepared a scheme for regularisation of services of adhoc lower division clerks and the applicant was directed by order dated 4.7.86 to qualify in the Staff Selection Commission Examination within a period of one year from the date of joining C L A New Delhi Office. The applicant failed to qualify within one year and therefore by order dated 13.11.87 the services of the applicant were terminated. The applicant filed O.A. No. 1635/1987 before Central Administrative Tribunal, Principal Bench, New Delhi which was allowed on 10.5.1988 and order dated 13.11.87 terminating the services of the applicant were quashed and the respondents were directed to reinstate the applicant in service and pay arrears of salary from the date of termination to the date of reinstatement. The applicant was thereafter reinstated in service by order dated 7.6.1988. The respondents again issued an order dated 10.6.88 terminating the services of the application under Proviso to Sub Rule (I) of Rule 5 of the Central Civil Services (Temporary Service) Rules 1965. The applicant challenged the termination by filing O.A. 1159/88 before Central Administrative Tribunal, Principal Bench, New Delhi. The order of termination was stayed and the applicant was again reinstated from 24.6.88. The O.W. 1159/88 was dismissed by Central Administrative Tribunal, Principal Bench, New Delhi on 23.5.90. Thereafter the services of the applicant were terminated by order dated 22.6.90.

2. The applicant seeks re-engagement of appointment on the post of Lower Division Clerk as similarly situated junior persons mentioned in O.A. have been granted the same benefit. She seeks this relief with all consequential benefits which in fact means that she is challenging the order of termination in a very oblique manner. The grounds on which the applicant claims relief is that subsequently by judgment of Allahabad Bench of the Tribunal passed in O.A. 14/89 on 9.2.93 officials similar situated were granted appointment ~~only~~ after they failed the examination conducted by the Staff Selection Commission only on the basis of their performance as reflected in the A.C.Rs. Although the directions of the tribunal were that they may be allowed to appear in the supplementary examination, The applicant also claims that one Sri M.C. Joshi who was appointed as adhoc lower Division Clerk was regularised only on the basis of A.C.R. with effect from 20.5.98 inspite of the fact that he could not qualify in the examination conducted by Staff Selection Commission for regular appointment.

3. We find that the case of the applicant is barred on two counts, the first one is the applicant had agitated her termination and the same was turned down in O.A. 1159/88 on 23.5.90 by the Principal Bench. Thus the reinstatement in service which is essentially the claim of the applicant can not be allowed.

4. Secondly the applicant had ceased to work in 1990 and she now agitates her claim for re-engage-

ment and regularisation in 1999. This is barred by limitation. Hence the application is dismissed in limine.


Member (J.)


Member (A.)

Nafees.