

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

**Original Application No. 1470 of 2003**

Thursday, this the 8<sup>th</sup> day of February 2007

**Hon'ble Mr. M. Jayaraman, Member 'A'**

1. Lalman, Chaukidar, regional, Carpet Store, Ashapur, Varanasi.
2. Rakesh Kumar Srivastava, Chaukidar, regional, Carpet Store, Ashapur, Varanasi.
3. Ram Sewak Maurya, Chaukidar, regional, Carpet Store, Ashapur, Varanasi.
4. Rajender Kumar, Chaukidar, regional, Carpet Store, Ashapur, Varanasi.

**Applicants**

**By Advocate Sri B.N. Chaturvedi.**

**Versus**

1. Union of India Through Secretary, M/o Textiles, Govt. of India, New Delhi.
2. Development Commissioner (Handicraft), O/O D.C. (Handicraft) West Block No.-7, R.K. Puram, New Delhi.
3. Asst Director (A&C) O/O D.C. (H) Service Centre, Sigra, Varanasi.

**Respondents**

**By Advocate Sri Saumitra Singh**

**ORDER**

Heard, Sri B.N. Chaturvedi, Counsel for the applicant and Sri Saumitra Singh, Counsel for the respondents.

2. All the four applicants here in have filed the subject O.A. requesting for issue of direction to the respondents to regularise their services in terms of Circular dated 10.09.1993 issued in the light of the Judgment of Principal Bench of the Tribunal delivered on 16.02.1999 in the O.A. filed by Raj Kumar and others.
3. Briefly the facts here are that the applicants <sup>were</sup> ~~are~~ working as Chaukidar since 1987 to 1993 in the Office of the Regional Carpet Store, Ashapur Sarnath, Varanasi under the Office



of Development Commissioner (Handicrafts), New Delhi. The date of appointment, as claimed by the applicants, is given below: -

Name	Date of appointment
Rakesh	16.01.1987
Lal mani	06.12.1993
Rajendra Kumar	27.10.1993
Ram Sewak	02.02.1987

It came to the knowledge of these applicants that a Circular dated 10.09.1993 was issued to regularise the services of casual/daily wage employees who are presently employed and have rendered one year of continuous service in the Central Government Office. There is also a Judgment dated 06.12.1991 in O.A. No.441 of 1989 connected with other O.As in the case of Chaukidars, wherein the Tribunal had directed the respondents to regularise all such persons who are working as Chaukidar in various Centres and on the vacancies, which are sanctioned. In view of the above, the applicants made representations before the authority vide letters dated 19.03.1993, 02.01.2001, 05.09.2001 and 06.11.2001 but there is no response from the respondents. Hence, the above O.A. has been filed seeking relief mentioned above.

4. Counsel for the applicants has argued that the applicants are working continuously from the date of appointment without any break for about 10 to 15 years and so they are eligible for regularization in terms of Circular dated 10.09.1993. However, as per decision of Hon'ble Supreme Court in the case of State of Haryana Vs. Piara Singh those who have completed 3 years of continuous service, should be regularized. In view of the above, counsel for the applicants requested that the relief prayed for by the applicants, should be granted.

5. Opposing the above contention of the applicants, the respondents have averred that the applicants herein were engaged on daily wage basis in the Carpet Weaving Training Centres under the department, as per requirement. Their services were terminated after posting of regular Chaukidars in the concerned Carpet Weaving Centres. However, on the direction of this Tribunal, the said daily wage Chaukidars were reengaged temporarily but due to want of vacancies on the post of Chaukidars, the applicants could not be regularised. The Government of India, Ministry of Finance (Department of Expenditure) vide Circular dated 13.06.1997 has provided for weeding out certain programmes and schemes of the department, which are identified as redundant/non-essential and having outlived their utility. The Department of Handicrafts under the Ministry of Textiles was one such Ministry included in the above Circular. Since the staff of all the Schemes including Carpet Scheme (in which applicants are working) is already identified/declared surplus, there is no post of Group 'D' in the Carpet Scheme as well as the other schemes. Further it is stated by the respondents



that Ministry of Finance imposed a ban on creation of the plan and non-plan posts including Group 'B', 'C' and 'D' posts vide letter dated 05.08.1999. Apart from imposing ban on filling up the vacant post, 10% reduction was also imposed on the existing number of posts. It is further stated that all the Departmental Training Centres have been closed down in the year 2001-02, except Jammu and Kashmir. Accordingly, all the staff including Chaukidars except temporary status Chaukidars have been/are to be placed in the Surplus cell for redeployment. The respondents have also stated that the applicants are getting full benefit of salary, annual increments etc. like regular Chaukidars as per direction of Government of India dated 10.09.1993 but they cannot be regularized for want of vacancy.

6. I find force in the pleadings of the respondents. As pointed out by them, when the Government of India has imposed ban on recruitment and the existing staff of all the Schemes including the Carpet Scheme where under applicants were working, have been rendered surplus, the applicants cannot be expected to be regularized particularly because there is no vacancy for the same. In these circumstances, I do not find any warrant to interfere in the matter.

7. In the light of the above, the O.A. fails and is dismissed with no order as to costs.



Member (A)

/M.M./