

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 18th day of MARCH 2005.

Original Application No. 1484 of 2003

Along with

Original Application No. 1585 of 2002

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman

1. Jogeshwar, S/o Sri Shanker Lal,
R/o Chawalee, Near C.O.D.
Distt. Agra.

Corrected vide
Order dated
26-5-05
By
V.C.
26/5

2. Pooran Singh, S/o Sri Neck-Rama SAHUKAR }
3. Rameshwar, S/o Sri Ram Singh NECK RAM }
4. Sukhbeer, S/o Sri Ram Singh
5. Ram Niwas, S/o Sir Kartar Singh
6. Satyendra, S/o Sir Rajbeer Singh
7. Vimilesh, S/o Sri Sahukar
8. Rajendra, S/o Sri Bhagwan Singh

Applicants no. 2 to 8 resident of Vill Karwana,
Post Office Dhandhoopra, Tehsil and Distt. Agra.

9. Neelu, S/o Charan Das
R/o Gali Ashad Tejganj (House No. 21/86 A)
Distt : Agra.

All the applicants are member of Indian
Archaeological
Survey Karmachari Parishad, Agra, Distt : Agra.

....Applicants (in both the OAs)

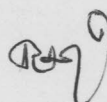
By Adv: Sri P. Mishra

V E R S U S

1. Union of India through its Director,
Archeological Survey of India,
NEW DELHI.
2. The Deputy Superintending Horticulturist,
Archeological Survey of India,
Horticulture Division Ist, Taj Mahal,
AGRA.

....Respondents (in both the OAs)

By Adv: Sri S. Singh.



ORDER

By Justice S.R. Singh, VC.

Heard Sri P. Mishra learned counsel for the applicant and Sri S. Singh learned counsel for the respondents.

2. OA no. 1585 of 2002 seeks issuance of a direction to the respondents to the respondents to the respondents to regularize the services of the applicants w.e.f. their initial appointment on the post held by them.

3. The applicants, it is alleged, have been working as Garden Attendant/Mali in the Garden of Methab Bough/Taj Mahal Agra and several other public gardens.

4. The learned counsel for the applicant submits that the applicants were entitled to be considered for grant of temporary as well as for regularization in accordance with the scheme framed by the Department of Personnel and Training vide OM dated 10.09.1993.

5. Learned counsel for the respondents on the other hand submits that the applicants were engaged on seasonal casual basis and have not been working since long, therefore, they are not entitled to grant of temporary status/regularization.

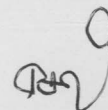
6. OA 1484 of 2003 is directed against the notification informing the applicants for appointment to the post of Garden Attendant.

7. The grievance of the applicants is that they ought to have been considered for regularization before initiating any steps for regular appointment.



8. Having heard the learned counsel for the parties and upon regard the facts and circumstances of the case I am of the view that it would meet the ends of justice if both the OAs are disposed of with the direction that in case the applicants file a comprehensive representation, disclosing there in the basis of their claim for regularization, the Competent Authority, namely The Deputy Superintending Horticulturist, Archeological Survey of India, Horticulture Division Ist, Taj Mahal, AGRA (respondent no. 2) shall consider the representation for proper self direction to the ^{scheme, 2}~~exam~~, if any relied upon by the applicant in support of their claim for regularization and take appropriate decision on the representation in accordance with law within a period of three months from the date of receipt of copy of this order. It is clarified that in case the representation finds favour with the Competent Authority, appointment, if any, made in pursuant to the impugned notification/advertisement would abide by the decision given by the Competent Authority on the representation filed by the applicants.

9 Accordingly, both the OAs are disposed of in terms of above direction with no order as to costs.



Vice-Chairman

/pc/