

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 604 of 1995

Thursday, this the 2nd day of May, 1996

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. Smt. Rekha K Nair,  
Wife of Shri PS Dileepkumar,  
Casual Lower Division Clerk,  
Regional Passport Office,  
Panampally Nagar, Ernakulam.
2. Smt. Sheela Kurian,  
Wife of Shri MT Joy,  
Casual Lower Division Clerk,  
Regional Passport Office,  
Panampally Nagar, Ernakulam. .. Applicants

By Advocate Mr. MC Madhavan

Versus

1. Union of India represented by  
Secretary to Government,  
Ministry of External Affairs, New Delhi.
2. The Joint Secretary & Chief Passport Officer,  
Ministry of External Affairs,  
New Delhi.
3. Staff Selection Commission represented by  
Regional Director, Southern Region  
EVK Sampath Buildings, College Road,  
Greens Road PO, Madras-6
4. The Regional Passport Officer,  
Panampally Nagar, Ernakulam. .. Respondents

By Advocate Mr. S Radhakrishnan, ACGSC

The application having been heard on 2nd May, 1996, the  
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicants who are working as Lower Division Clerks  
(casual employees), inter-alia, seek a direction to respondents  
to retain them in service and regularise their services.

2. Standing Counsel appearing on notice for respondents  
submits that the department is not in need of their services,

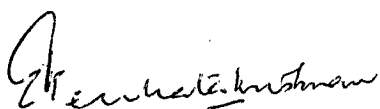
having regard to the current volume of work. We appreciate this contention. But, people similarly situated are continuing in service by reason of orders of this Tribunal in OA No. 3/94. We know that in OA No. 3/94 the Bench merely followed a precedent (OA No. 903/91 etc.). In those cases the Tribunal had directed the holding of an examination in a particular manner. We have our own doubts whether such directions could have been issued. But, such directions having been issued, the Bench which ~~was~~ decided OA No. 3/94 cannot be blamed for adopting the same view. Respondents have not got those orders reversed and they have only themselves to thank for the situation.


3. Since 10 persons have been continuing in service for over seven years by reason of orders of this Tribunal, we think it will be unjust to permit respondents to terminate the services of applicants. We are fully aware of the fact that the department is unduly burdened by this. But they are responsible for the state of affairs.

4. Applicants will be allowed to remain in service until and unless the decision in OA No. 3/94 and OA No. 903/91 and connected cases cease to remain in force.

5. Application is disposed of as aforesaid. Parties will suffer their costs.

Dated the 2nd May, 1996

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN