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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 398 of 1992

## versus

Union of India & Others . . . . . Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

( By Hon'ble Mr. Justice U.C.Grivastava, VC)

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training. Sri Uma Shanker Awasthi provided Sushil Kumar Awasthi to work as a substitute in his place on his risk and responsibility. Feeling aggrieved against the same, the applicant has approached the tribunal claiming his right for regularisation and the benefits of the Industrial Disputes Act and also the departmental circular.

2. The respondents have opposed the claim of the applicant and have stated that it was for ~~Sri~~ Uma Shanker Awasthi to provide for a substitute and he has provided yet another substitute. Undoubtedly, the name of the applicant has not been sponsored by the employment exchange that is why he could not have been given appointment. It has not been stated by the respondents that the name of Sushil Kumar Awasthi has been sponsored by the employment exchange and that's why appointment has been given to him. In the departmental instructions it has been provided on who has worked more than one year his case is to be given re-consideration. Of course, in case, the department would have given an appointment, the case of the applicant would deserves full consideration, but it appears that the department allotted Sri. Uma Shanker Awasthi only for a few days and in practice, this was done and allowed him to nominate another person. Instead of accepting the nomination the department could have considered the case of the applicant who has already gained experience for one year to work as such. Till regular appointment was made. As far as sponsoring the name of the applicant from employment exchange, undoubtedly, under the Act, the name of the applicants

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