

AG
CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH

LUCKNOW.

Original Application No. 409/91

Lakshpati Singh Verma and others Applicants.

versus

Union of India & others Respondents.

Shri R.C.Singh Counsel for Applicant.

Shri A.K.Srivastava Counsel for Respondents.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicants, five in number were initially appointed as Khalasis, Fitter Khalasi, Odd Job Khalasi Khalasi Helper and Khalasi between 1981 to 1988. As they were High School, as the post of Typist was vacant, they were duly tested and in the selection they came out selected and all of them were appointed in the month of July, 1989 on adhoc basis as Typist. The appointment letter indicated that the appointment will be till the selected candidate is not ^{appointed} ~~recess~~ for the said post. The applicant continued to work till the reversion order dated 7.10.1991 reverting them to the post of class IV posts in which they were initially working. The applicants have challenged the said order on the ground that it is arbitrary, discriminatory and it is against the terms of appointment.

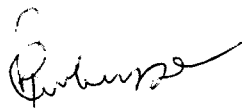
2. The respondents have tried to justify their action by stating that the Government suffered difficulty as few posts of typists were vacant/and to this under

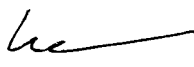
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staff arrangement the Department invited the candidates from class IV staff who obtained ^{requisite} typing speed and having passed class VIII. It was declared to all the successful candidates that when selected candidates from Railway Recruitment Board as Typist will be available then the temporary selected candidates will be sent back to their original posts. Since the posts of Typists were surrendered due to economy and there was no post vacant the applicants were sent back to class IV post.

3. The applicants alleged that even subsequent to their reversion the persons on daily wages basis have been taken on and have been given regular post, copy of which have been placed before us. The learned counsel for the applicant contended that in case the work of typist was not available, there would have been no regularisation. The facts make it clear that the work of typist was available and others have been given pay scale. The applicants are prepared to work as daily wagers. The respondents are directed to give them priority and preference to them. There appears to be no reason why the applicants be not given the appointment. The respondents are directed to re-appoint the applicant and the candidates who came subsequent to the applicants will rank junior to the applicants. If appointment on daily wages basis continues, they will also continue to work on daily wages and in case it is desirable that they will also be given the pay scale as done in the case

other daily wages and let this be done within a period of 2 months from the date of receipt of a copy of this judgment by the respondents. No order as to costs.


Adm. Member.


Vice Chairman.

Shetool/-

Lucknow: Dated 4.1.93.