

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

OA No.594/1992

Lucknow, this 20th day of February, 2001

Hon'ble Mr. Rafiquddin, JM  
Hon'ble Mr. M.P. Singh, AM

Mohd. Shabbir  
Mehndi Tola, Aliganj  
Lucknow .. Applicant

(By Mr. P. Surendran, Advocate)

Versus

1. Regional Director  
Health & Family Welfare  
C-II/B80, Mahanagar, Lucknow
2. Deptt. of National Malaria  
Eradication Programme  
22, Shambhav Marg, Delhi .. Respondents

(By Mr. Manik Sinha, Advocate)

ORDER(oral)

Mr. Rafiquddin

The applicant Mohd. Shabbir who was engaged as casual worker/chowkidar from 13.10.86 and had worked till 1992 with certain breaks, has filed this OA seeking directions for regularisation of his services on the post of Chowkidar and also for quashing of interview letter at Annexure 2 to this OA. The applicant has also sought direction to the respondents to give him regular pay on the post of Chowkidar. Respondents have not disputed the claim of the applicant having been engaged as casual worker with effect from 13.10.86 till 1992. On the strength of the interim order passed by this Tribunal on 19.11.92, the applicant continued to work on the post of casual chowkidar till 4.7.94 when the interim was modified. It is relevant to extract the interim order dated 4.7.94 to dispose of the OA, which is as under:

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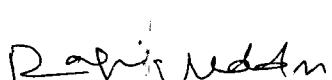
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"On behalf of the opposite parties an application for vacation of the interim order dated 19.11.92 had remained pending. The learned counsel for the respondents press for the said application to be taken up. After having heard the learned counsel for the parties and on perusal of the pleadings on record we are *prima facie* satisfied that the post in question for which an offer of appointment has been given to Shri Mahesh Chandra Yatav belongs to the SC category and is a reserved post. The applicant is of general category and he cannot lay claim for appointment against the said post. We accordingly modify the interim order dated 19.11.92. We provide that Shri Mahesh C. Jatav may be appointed as Chowkidar against a reserved category post. According to the pleadings there are two sanctioned posts of Chowkidar. On the other post Shri Man Bahadur is working. The learned counsel for the applicant states that there is another post which is vacant and available in Group D. If that is so, we provide that it will be open to the respondents to consider the question of continuing the applicant in service against the other alleged available vacant post. Accordingly we vacate the interim order by which it was provided that the applicant shall not be terminated from service. We modify the same accordingly... ."

2. We have heard the counsel for the parties.

Learned counsel for the respondents has fairly conceded <sup>at</sup> the bar that one post of Group D in the Regional Office is available and respondents will consider the case of the applicant for regularisation on this post. We therefore dispose of this OA with the direction to the respondents to consider the case of the applicant for regularisation of the services of the applicant against Group D post taking into account his previous service in the department and pass a suitable order within a period of four months from the date of communication of this order. No costs.

  
(M.P. Singh)  
Member(A)

  
Rafiquddin  
(Rafiquddin)  
Member(J)

/gtv/