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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW.

Registration T.A.No. 1132 of 1987(T)
In
(W.P. NO. 1204 of 1983)

Relief & Rehabilitation Organisation
Employees Association & Others.....Applicants

Vs.

Union of India & Others.....Respondents

Hon'ble Mr.Justice U.C.Srivastava,V.C.
Hon'ble Mr. A.B. Gorthi,Member (A)

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

Writ 2

This is a Review Petition filed by Relief & Rehabilitation Organisation Employees Association alongwith one Ghayur Hussain before the High Court, praying that the Annexure-2 that is the order issued by the State Govt. may be quashed and a mandamus may be issued directing the respondents to allow all the persons named in the Appendix or the Annexure Number.2 to continue on their respective posts and confirm them against all the permanent vacant post. By operation of law this Writ Petition has been transferred to this Tribunal.

2. It appears that the applicant No.2 must have retired, as when the Writ Petition was filed in the year 1983 his age was 55 years. So the application of applicant no.2 in our opinion has got no right to file under section 19 of the Administrative Tribunals Act. The grievance of the applicants is that the State & Central Government for rehabilitating the employees of the Relief & Rehabilitation Organisation because of the shrinkage in the department a particular scheme was framed by the Central Government, and the scheme was to be implemented by various State Governments. Thereafter

AS

on 1st February, 1983, the State Government issued a direction to the District Magistrate concerned that on the insistence of the Union Government, and in pursuance of the decision of a meeting held under the Chairmanship of the Government of Uttar Pradesh's Chief Secretary, the posts of the Relief & Rehabilitation Organisation mentioned in the appendix of the said notification are to be abolished, the District Magistrates have been directed to take charge from the officials mentioned in the appendix of the said order in the respective districts, though no termination notice have been issued to them in accordance with the law and the rules. Objection was raised on behalf of Union of India but ~~not~~ the application is not maintainable.

3. The applicants have challenged this order issued by the State Government, which according to them is discriminatory and does not grant essential relief to which they are entitled to, and the result will be that many of them will not be regularised.

4. Thus the fact as stated above indicates that the earlier grievance of the applicants against the order issued by the State Government and its non implementation or its unfaithful implementation. The entire grievance of the applicants is against the State Government and not against the Central Government, and the scheme was implemented by the State Government in a particular manner, and this Tribunal have yet no jurisdiction to issue any direction to the State Government or its officials. Accordingly the objection prevails and the application is dismissed. However, it will be open for the applicants to take back all the papers and represent the same before the High Court as a Writ Petition.


Member (A)


Vice-Chairman.

7th November, 1991, Lucknow

(sph)