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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 103/90
Ex.Axx No:

198

DATE OF DECISION 12.3.1990

Union & Ors.
Canteen Stores Deptt. Employees Petitioner

Mr. R.P. Saxena, General Secretary.

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. S.R. Atre

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice Kamleshwar Nath, Vice-Chairman,

The Hon'ble Mr. M.Y. Priolkar, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(KAMLESHWAR NATH)

VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.103/90.

Canteen Stores Department Employees' Union and Others. ... Applicants.

V/s.

Union of India & Others. ... Respondents.

Coram: Hon'ble Vice-Chairman, Shri Kamleshwar Nath,
Hon'ble Member(A), Shri M.Y.Priolkar.

Oral Judgment:-

Dated: 12.3.1990

(Per Shri Kamleshwar Nath, Vice-Chairman)

We have heard Shri R.P.Saxena, General Secretary of the Canteen Stores Department Employees' Union and the learned Counsel of the opposite party. It appears that in a regularisation examination held on 11.10.1988 some of the LDCs who were working on daily wage casual basis were declared successful, while others failed in January, 1989. This petition seeks relief for another opportunity for the failed employees to take a fresh examination for regularisation. Letter dt. 8th September, 1989 (Annexure 'D') indicates that the Government felt that they may not hold a re-test for the failed candidates. The question has received attention of this Tribunal's Guwahati's Bench in O.A. 43/89 (Annexure 'F') in which by a judgment dt. 22.1.1990 orders for termination of services of daily wage LDCs has been set aside, the LDCs were allowed to continue in employment and the Government was directed to hold a further test and to regularise those who were found suitable. An earlier matter concerned with the present applicants figured before this Bench of the

Tribunal in Tr. Application Nos.478/87 and 7 other connected applications. When submission was made on behalf of the applicants there that another opportunity may be afforded to the failed daily wagers to appear at an examination, the Bench took the view that it was not possible to consider that request within the scope of the petition. A further observations as follows has been recorded:

"Suffice to state that in case any of those employees submit a representation for such consideration afresh, it will be duly looked into by the respondents".

2. That judgment was delivered on 15.2.1990 shortly after which this petition was filed.
3. Mr.Saxena on behalf of the applicants says that the copy of the judgment came into their hands only in March and that they are prepared to apply to Government for another opportunity to appear in the examination.
4. On consideration of all the matters we find that interests of justice would be served by the opposite parties concerned considering an application regarding fresh test and in the meantime to protect the present employment of the concerned LDCs till the final decision of the Government is taken.
5. This petition is disposed of with a direction that the applicants shall make application to the concerned authorities for holding a fresh test to enable the failed LDC daily wagers to appear in the regularisation examination. The application should be made within one month from today which the opposite parties shall consider

and dispose of within a period of two months from the date of receipt thereof. Till the date of passing of the final orders by the opposite parties on such representations, the interim order which was already passed in this case shall continue to remain in force, and it shall further continue to remain in force till the date on which the results of the examinations if any so held are declared. Such of the failed applicants herein who do not take the proposed examination, shall not be entitled to the benefit of the said interim order.

Parties shall bear their costs of this application.

My
(M.Y.PRIOLKAR)
MEMBER(A)

On
(23.3.1990)
(KAMLESHWAR NATH)
VICE-CHAIRMAN