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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
AT JAIPUR

Date of decision 29.11.91

T.A. No. 1968/86.

Shri Ganpat Lal ... Applicant

Shri K. Kamal Singh ... Counsel for Applicant

Versus

Union of India & Ors. ... Respondents

Mr. R.P. Vijay ... Counsel for Respondents

CORAM:

THE HON'BLE MR. GOPAL KRISHNA - MEMBER (JUDICIAL)

THE HON'BLE MR. B.N. DHOUNDIYAL - ADM. MEMBER

MR. GOPAL KRISHNA, MEMBER (JUDICIAL)

The plaintiffs, hereinafter referred to as the applicants had filed a Civil Suit for declaration and permanent injunction (Civil Suit No. 131/1978) in the Court of Munsif, Bandikui which was transferred to this Tribunal under Section 29(1) of the Administrative Tribunals Act, 1985 and re-numbered as T.A. 1968/86. The applicants claimed a declaration that the order No. EM/6/5/1/ dated 7.12.78 is void and ineffective as against them and sought permanent injunction directing the defendants, hereinafter referred to as the respondents, not to terminate their services.

The facts of the case may be succinctly stated as follows.

The applicants were initially engaged as substitute Coalmen on different dates mentioned in para 1 of the plaint from 17.5.1974 to 24.9.1975. Thereafter they were screened for regular appointments. But on 7.12.78, their services were terminated on the ground that they could not come up to the medical category A-1. It is contended by the applicants that the category prescribed for them was of C-1 in terms of letter No. E/691/15 dated 6.10.61 from the General Manager (E) C.C.G. to D.S.J.P. and others. It has also been averred that certain other persons mentioned in paras 5 and 7 of the plaint who were junior to the applicants were offered regular appointment some of whom were placed in the medical category



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governing compassionate appointments do not envisage any relaxation of the prescribed medical standards.

In view of the facts and circumstances of the case we hold that the impugned order dated 7.12.78 is not sustainable as it has not been issued after following the prescribed procedures for terminating the services of the applicants and that different criteria have been applied in case of persons who were appointed later.

This T.A. therefore succeeds. The impugned order dated 7.12.78 is hereby quashed. The applicants shall be deemed to have been continuously in service as Coalmen and shall be entitled to all consequential benefits.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 29/11/71
Adm. Member

Gopal Krishna 29-11-71
(Gopal Krishna)
Member (Judl.)