

(CJ)

In the Central Administrative Tribunal, Jaipur Bench,
Jaipur

Date of order: 17.5.1994.

O.A. No. 924/89

Mahaveer Prasad and Another : Applicants.

Vs.

Union of India and others : Respondents.

CORAM :

THE HON'BLE MR. GOPAL KRISHNA, JUDICIAL MEMBER

THE HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER

For the applicants : Mr. R.N. Mathur

For the respondents : None present

PER HON'BLE MR. GOPAL KRISHNA :

Applicants Mahaveer Prasad and Munna Lal in this application under section 19 of the Administrative Tribunals Act, 1985, have challenged the oral termination order dated 26.12.88 and have prayed for a direction to the respondents to take them back in service with all consequential benefits. They have further prayed for regularisation of their service.

2. We have heard the learned counsel for the applicants. None is present for the respondents. However, we have gone through the records including the reply filed on behalf of the respondents.

3. The applicants were engaged as Mazdoors in the Canteen Stores Department, Ministry of Defence, Government of India, Piru Lines, Jaipur on daily wages

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basis after their names were sponsored by the employment exchange. Applicant Mahaveer Prasad was engaged on 13.11.85 and applicant Munna Lal was engaged on 13.3.87. Subsequently, respondents stopped taking any work from them since 26.12.88. The action of the respondents is challenged as being unreasonable and unjustifiable. The applicants have also built their case on the premise that certain other casual labourers have been taken back on ~~the~~ duty by the respondents ignoring the applicants and such an action of the respondents ~~also~~ has been assailed on the ground of discrimination. The respondents have contested the application stating that the oral termination order dated 26.12.88 was necessitated by an order No.49010/2/86-Est (c) dt. 7.6.88 of the Government of India. It is further stated by them that yearwise panel for filling up the vacancies in the post of Maadpoors was drawn in all Canteen Stores Department Depots including the Jaipur Depot. Now, as per the Government instructions conveyed to Head Office, Bombay vide letter dated 19.9.88, DO No.01032/DDOCS of 17.10.88 by the Ministry of Defence conveyed to respondent no.2 to draw an All India Seniority Panel and give permanent appointment to the senior most Group 'D' staff working in this department. Accordingly, the seniority list of empanelled candidates was drawn and appointment orders for regularisation of services were also issued as per the existing vacancies. It is contended by the respondents that these other applicants being junior to the staff, their services were no more required while regularising the services of the staff senior to them.

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4. The learned counsel for the applicants contended that in case vacancies arise in future the case of the applicants for regular appointment may also be considered as has been done in the case of persons senior to these applicants. We find substance in this plea of the learned counsel for the applicant.

5. In view of the position stated above, the respondents are directed to consider the case of the applicants for appointment on regular basis as Masdoors against the vacancies which exist or which may occur in future, in accordance with the prescribed rules and procedure.

6. The application is disposed of accordingly with no order as to costs.

(O.P. Sharma
Adm. Member)

G.K.
(Gopal Krishna)
Judl. Member

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