

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.432/99

Date of order: 5.3.2002

1. Jagdish Narain Ragair, S/o Sh.Nand Ram Ragair, R/o Vill.Chatrala, Post Sriram ki Nagal, Teh.Sanganer, Jaipur.
2. Hanuman Sahai, S/o Sh.Hari Narayan, R/o House No.43 Nagar Parishad Colony, Kavar Nagar, Jaipur.

...Applicants.

Vs.

1. Union of India through Secretary to the Govt of India, Mini.of External Affairs, New Delhi.
2. Passport Officer, Passport Office, University Marg, Tonk Road, Jaipur.
3. Seema Zaidi, D/o Sh.H.H.Jaidi, casual Labour, Passport Office, Tonk Road, Jaipur.
4. Manoj Kumar, S/o Sh.Ram Lal, Casual Labour, Passport Office, Tonk Road, Jaipur.

...Respondents.

Mr.Shiv Kumar : Counsel for applicants

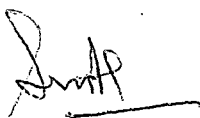
Mr.R.L.Agrawal, proxy of Mr.Bhanwar Bagri for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer (i) to quash and set aside the order dated 15.11.95 (Annx.A1) by which the applicants were disengaged, (ii) to direct the respondents to extend the benefits of the scheme granting temporary status and regularisation to the applicant in pursuance of memorandum dated 10.9.93 and (iii) appointment of respondents Nos.3 & 4 be quashed and the applicants be re-engaged.



2. In brief, facts of the case as stated by the applicants are that the applicants were engaged w.e.f. 6.4.92 after sponsoring their name from the Employment Exchange. The applicants were discharging their duties efficiently and effectively to the entire satisfaction of the respondents' department and have been conferred temporary status as per the scheme in pursuance of an order of the Principal Bench of the Tribunal in Raj Kamal & Ors. Vs. UOI & Ors. It is stated that the respondents have terminated the services of the applicants on 15.11.95 in arbitrary and unjust manner which is liable to be quashed and set aside. It is further stated that the respondents have allowed back-door entry of respondents Nos.3 and 4 without following the due process of appointment and dehorse the rules which deserves to be set aside. Therefore, the applicants filed this O.A for the relief as above.

3. Reply was filed. It is stated that the <sup>applicant</sup> filed this O.A in the year 1999 challenging the order dated 15.11.95, therefore, this O.A is not within limitation, as provided under Sec.21 of the Administrative Tribunals Act. It is also stated that the answering respondents terminated the services of the applicant after giving them one month's notice. It is stated that temporary status was granted to the applicants in pursuance of the instructions issued by the Deptt. of Personnel & Training and the applicants were engaged for a specific work and as and when the work was completed they were disengaged on the doctrine of last come first go. Therefore, the action of the respondents is not in any way arbitrary, illegal and in violation of the rules. The applicants were engaged on the basis of increase of work load and when the work load was reduced the strength was

Smt

also reduced on the doctrine of last come first go and the applicant has no case for regularisation.

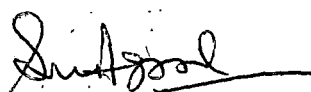
4. Heard the learned counsel for the parties and also perused the whole record.

5. It is an undisputed fact that the applicants were engaged when work load was increased and when work load was reduced then they have been disengaged on the basis of the doctrine of last come first go. It is also an undisputed fact that the applicants have been conferred temporary status. The learned counsel for the applicant admits that the applicants have been re-engaged and temporary status has already been conferred upon them and they are still working as temporary status holder casual labour with the respondents' department.

6. In view of the facts and circumstances of this case the only relief which can be granted at this juncture is to direct the respondents to consider the cases of the applicants for regularisation, as per rules, as and when vacancy occurs. The applicants are not entitled to any other relief sought for.

7. I, therefore, dispose of this O.A with the direction to the respondents to consider the candidature of the applicants for regularisation, as and when vacancy occurs, as per rules.

8. No order as to costs.

  
(S.K. Agarwal)

Member (J).