

Central Administrative Tribunal
Jabalpur Bench

OA No.432/05 & OA No.753/04

Jabalpur, this the 17th day of May 2005.

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

OA No.432/05

Jugal Kishore Soni
S/o Radheshyam Soni
LDC/Store Keeper
Jawahar Navodaya Vidhyalaya
Hatta Damoh (M.P.)

Applicant

(By advocate Shri Om Namdeo)

Versus

1. Union of India through
The Secretary
Ministry of Human Resources
Dept. of Education
New Delhi.
2. Deputy Director
Navodaya Vidhyalaya Samiti
160-Zone II, M.P.Nagar
First Floor, Bhopal.
3. The Principal
Jawahar Navodaya Vidhyalaya
Hatta, Dist. Damoh.

Respondents

(By advocate Shri O.P.Namdeo)

OA No.753/04

Jugal Kishore Soni
S/o Radheshyam Soni
LDC/Store Keeper
Jawahar Navodaya Vidhyalaya
Hatta Damoh (M.P.)

Applicant



(By advocate None)

Versus

1. Union of India through
The Secretary
Ministry of Human Resources
Dept. of Education
New Delhi.
2. Deputy Director
Navodaya Vidhyalaya Samiti
150-Zone II, M.P.Nagar
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Hatta, Dist. Damoh.

Respondents

(By advocate Shri O.P.Namdeo)

O R D E R (oral)

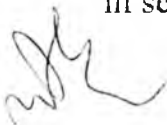
By M.P.Singh, Vice Chairman

In both the OAs filed by one applicant, the reliefs prayed for are similar in nature. Hence both the OAs are being disposed of by this common order.

2. By filing OA No.432/05, the applicant seeks a direction to the respondents to appoint him on the post of LDC/Store Keeper in vacant post available for the year 2005-2006.

3. By filing OA No.753/04, the applicant seeks the following reliefs:

- (i) Direct the respondents to allow him to participate in the selection proceedings of LDC by granting him weightage of experience gained by him and the respondents be restrained from setting up age bar against him.
- (ii) To direct the respondents to allow the applicant to continue in service as LDC and to pay him regular monthly salary.



4. The brief facts of the case are that the applicant was appointed as LDC/Store Keeper in the office of respondent No.3. He earlier represented to the respondents to regularize his services but his representation was rejected. Then the applicant filed OA No.250/99. The said OA was allowed by the Tribunal with a direction to the respondents that "if the job of store keeper or LDC still remains vacant, the applicant may be allowed to continue in the post so long as these posts are not filled by regular candidates." In pursuance of the directions, the applicant was appointed on contract basis and he is still working as such. In the meantime, a regular post of LDC has fallen vacant and the respondents have taken a decision to fill up the post on regular basis.


5. Learned counsel for the respondents states that as and when the selection is made to the post of LDC/Store Keeper, the applicant will be considered and due weightage for the service rendered by him with the respondents will be given while making the selection.

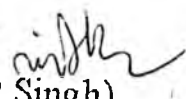
6. Learned counsel of the applicant submits that these OAs can be finally disposed of if directions are given to the respondents to consider the applicant while making the selection to fill up the post of LDC/Store Keeper by giving due weightage and after giving age relaxation.

7. In the facts and circumstances of the case and in view of the submissions made by the learned counsel on either side, we dispose of both the OAs by directing the respondents to consider the applicant for selection for the post of LDC/Store Keeper by giving him due weightage for the services rendered by him with the department in that grade. With regard to his eligibility, the respondents will exclude the period of service rendered by the applicant in the department for determining his age.

Wyls

8. Both the OAs are disposed of as above. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

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