

**Central Administrative Tribunal
Jabalpur Bench**

OA No.808/05

Jabalpur this the 4th day of May 2006.

C O R A M

Hon'ble Dr.G.C.Srivastava, Vice Chairman

Hon'ble Ms.Sadhna Srivastava, Judicial Member

1. Ramesh Kumar
S/o Shri Bhaiya Lal Balmiki
R/o 120 Khandari Ward
Belhari Mandla Road
Jabalpur.
2. Naresh Kumar Dumar
S/o Hemraj House No.3505
Sanjay Gandhi Ward
Hanuman Toriya
Near Water Tank
Kanchghar, Jabalpur.
3. Dilip Kumar Dumar
S/o Sampuran Das
House No.19, Near Sadar
Police Station Sadar Cantt.
Jabalpur.

Applicants

(By advocate Shri Bhagwan Singh)

Versus

1. Union of India
Through the Secretary
Ministry of Defence
Government of India
New Delhi.
2. Joint Controller of Defence
Accounts (ORS) Corps of
Signals, Ridge Road
Jabalpur.
3. Controller of Defence
Accounts (ORS) Central
177, Civil Lines
Napur.

4. Controller General of
Defence Accounts
West Block, R.K. Puram
New Delhi.

Respondents

(By advocate : Shri S.K.Mishra))

ORDER

By Ms. Sadhna Srivastava, Judicial Member

By this OA, the applicants claim the following reliefs:

- (i) Direct the respondents to comply with the orders of this Tribunal in OA 686/97; MA 482/99 and MA 322/03 and consider the name of applicants for Group-D post as and when any vacancy is created.
- (ii) Direct the respondents not to fill any vacancy without considering and providing right opportunity to applicants for interview/test for Group-D post as and when created.

2. The facts in brief are that applicants were engaged as casual labourers for different spells of 89 days as Safaiwala w.e.f. 19.6.1992 to 31.7.93 and their services were terminated w.e.f. 1.8.1993. Aggrieved by their termination, applicants filed OA No.686/95, which was disposed of on 12.9.97 (Annexure A1), with the direction that "regular post should be created in the department and in the event of creation of such post the applicants should be given appointment". The applicants filed MA No.482/99 praying for compliance of the order passed by the Tribunal in OA No.686/95, which was disposed of on 4.12.2001 (Annexure A4) with a direction that as and when any Group-D post is filled on regular basis the respondents shall consider them for the same. Thereafter the respondents issued an advertisement on 25.5.03 inviting applications for the post of Peon & Chowkidar. Applicants filed MA No.332/03 again, which was also disposed of with a direction to the respondents that as and when there are

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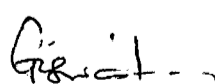
vacancies available, applicants should be considered in preference to freshers by granting them age relaxation for which the respondents have power under the statutory Recruitment Rules. Counsel for the applicants submits that despite the order of the Tribunal, the respondents have issued an advertisement in the newspapers for filling up vacancies. He further submits that there are vacancies but the applicants have not yet been regularized.

3. Respondents have filed a written statement and admit that names were called from Employment Exchange for filling up vacancies in Group D post but subsequently the entire selection process was cancelled by competent authority. They have denied that the department has appointed any candidate in Group-D post as no such post has been released by the HQs till date. Learned counsel for the respondents further submits that case of the applicants will be considered as and when appointments to Group-D post on regular basis are made on release of vacancy by competent authority provided applicants fulfill various criteria and in terms of the order passed earlier by this Tribunal.

4. We have heard learned counsel for the parties and perused the pleadings.

5. The main grievance of the applicants is non-regularization. We notice that earlier also applicants had approached this Tribunal in this regard and orders have already been issued by this Tribunal. Now for the same relief, the OA is not maintainable. Respondents have submitted that the case of applicants will be considered as and when vacancies arise. At this stage, we do not think it proper to issue a direction to the respondents to the same effect. OA is dismissed. No order as to costs.


(Ms. Sadhna Srivastava)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman