

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR
Original Applications No 1115 of 2004

Indore this the 18th day of October, 2005.

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

Prakash Chandra Ahirwar
S/o Shri Narayan Das Ahirwar
Aged about 33 years,
Occupation Contingency paid Typist
O/o Chief Controller Opium & Alkaloid 11/77
Mall Road Morar, Gwalior
Resident of Aditya Tailor Opposite Dr. Nath
Sinde Ki Chawnni Lashkar, Gwalior
Applicant

(By Advocate – Shri Arun Katre)

V E R S U S

1. Union of India
Through Secretary
Ministry of Finance
(Department of Revenue)
New Delhi.
2. The Chief Controller, Govt.
Opium and Alcolied Factory
Mall road Morar, Gwalior
3. The Administrative Officer,
Govt. Opium & Alcolied Factory
Mall Road, Morar, Gwalior. Respondents

(By Advocate-Shri Gaurav Samadhiya on behalf of Shri V.K.Sharma)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application, the applicant has sought the following main relief:-

“.....the respondents to continue the applicant on the post of ~~typing~~ cum clerk as he is an contingency paid employee till the applicant is regularized by the respondents.”

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2. The brief facts of the case as stated by the applicant are that the applicant was engaged as typist on daily rated basis from 1.8.2000 to 31.5.2002 and thereafter he was engaged as contingency paid employee for 26 days in a month. On 1.8.2004 it was directed to the applicant to work through contract agency known as Hawk Vision Security Services and placement. Against this illegal arrangement the applicant protested to the respondent No.3. The main contention of the applicant is that he is continuously working since 1.8.2000 on different class-III post under the respondents – department without any break in service and the respondents have directed him to work on contract basis through a private agency. Hence, this OA.

3. Heard the learned counsel for the parties and carefully perused the records.

4. The learned counsel for the applicant has argued that the present OA is fully covered by the order passed on 7.3.2000 by this Tribunal in the case of Mukesh Kumar Vs. Union of India and Ors. in OA No.802/99. Hence, the applicant is legally entitled for the relief claimed by him.

5. On the other hand, the learned counsel for the respondents argued that in the case of Mukesh Kumar(supra) the applicant had worked about 13 years whereas the present applicant had not rendered his service for long time. Hence, the aforesaid case is not applicable in the present case.

6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the applicant is serving in the respondents department from 1.8.2000 i.e. he has served for 4 years and there is no adverse remarks against the applicant regarding his work and conduct. We have carefully perused the case of Mukesh Kumar (supra) wherein it has been held as under :-



"We feel that if the respondents' department is in need of the services of Safaiwala, looking into the fact that there is no allegation against the applicant's performance during the tenure of his service, it is ordered that if the applicant applies to respondents No.2 within 15 days of receipt of this order, alongwith a copy of this order, by speed post to avoid delay and also sends a copy to respondent No.3 for information, in that event, taking into consideration of 13 years long unblemished service, the respondents should provide him any job to the applicant, even on part time basis till a person is regularly appointed and in case the post is to be filled on regular basis, the applicant shall be duly considered alongwith others and in that event, the respondents should not take the plea of his age factor, if otherwise the applicant is physically able to perform the job. Respondent No.2 shall dispose of the representation of the applicant, if he so prefers, within a period of 2 months from receipt of the same and communicate the decision promptly to the applicant."

7. We have given careful consideration to the rival contentions and the decision relied upon by the learned counsel for the applicant. We find that the present case ~~is~~ ^{is} squarely covered by the decision of this Bench in the case of Mukesh Kumar(supra). We are, therefore, in respectful agreement with the aforesaid order passed by this Bench and we hold that the aforesaid order passed by this Bench shall be mutatis mutandis applicable to the case of the present applicant as well.

8. In the result, the OA is disposed of in the above terms. No costs.


(Madan Mohan)
Judicial Member

skm


M.P.Singh)
Vice Chairman

प्रांतिक राज्य/न्या..... जवालपुर, दि.....
प्रांतिक राज्य/न्या..... जवालपुर, दि.....
(1) सतीन, उच्च अधिकारी, वारा 1, विधानशाल, जवालपुर
(2) आवेदक श्री/श्रीमती/न्या..... विधानशाल, जवालपुर
(3) पत्त्यरी श्री/श्रीमती/न्या..... विधानशाल, जवालपुर
(4) बंगाल, केन्द्रीय, जवालपुर, जवालपुर
सूचना एवं आवश्यक कार्यपाली हेतु
विधानशाल, जवालपुर, जवालपुर
उप रजिस्ट्रर
25/10/05

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