

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 71 of 2004**

Jabalpur, this the 2<sup>nd</sup> day of November, 2004

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

Krishna Murari Raikwar,  
Son of Shri Makkham Raikwar,  
Aged about 39 years, resident of  
Ramkhiriya Panna, M.P. .... Applicant

(By Advocate – None)

**V e r s u s**

1. Union of India,  
through the Secretary,  
Ministry of Human Resource Development,  
New Delhi.
2. Jawahar Navodaya Vidyalaya Samiti,  
through Director, (Ministry of Human  
Resources Development Department of  
Education), A-39, Kailash Colony,  
New Delhi.
3. The Deputy Director, Navodaya  
Vidyalaya Samiti, Regional Office :-  
160, Zone – II, M.P. Nagar, Bhopal  
4620011 (MP).
4. The Principal, Jawahar Navodaya,  
Vidyalayas Samiti, District Ramkhiriya,  
Panna, (MP). .... Respondents

(By Advocate – Shri O.P. Namdeo)

**O R D E R (Oral)**

**By M.P. Singh, Vice Chairman –**

None is present for the applicant. We invoke the provisions of Rule  
15 of CAT (Procedure) Rules, 1987 to dispose of this Original Application.  
Heard the learned counsel for the respondents.



2. By filing this Original Application the applicant has sought the following main reliefs :

“(1) to issue a writ in the nature of mandamus directing the respondents to regularize the applicant with immediate effect, and to fix his seniority from his initial appointment as Watchman.”

3. The brief facts of the case are that the applicant is working as a Chowkidar on daily wages since 1996. By an order dated 28<sup>th</sup> November, 1999, the Tribunal has restrained the respondents from dispensing with the services of the applicant. Thereafter he has filed OA No. 821/1999. The Tribunal vide its order dated 6<sup>th</sup> March, 2002 has directed the respondents to consider the applicant for regularization in a Group-D post subject to his being conforming to the eligibility criteria and availability of the post. Till then his services shall not be dispensed with. In pursuance of the direction he is still continuing in service as Chowkidar in daily wages.

4. The learned counsel for the respondents states that in near future they are likely to advertise Group-D posts and fill up these posts. He has further submitted that the applicant will also be considered for regular appointment along with other candidates subject to his being conforming to the eligibility criteria.

5. In view of the facts and circumstances of the case, we deem it appropriate to direct the respondents to consider the case of the applicant for regularization in the future recruitment which is likely to take place shortly. We do so accordingly. While considering the case of the applicant his age limit should be taken into consideration by the respondents, as was at the time of his initial engagement at Navodhya Vidhyalaya Sagathan. Till then his services shall not be dispensed with.

6. With these directions the Original Application stands disposed of. No costs.

**(Madan Mohan)**  
**Judicial Member**

“SA”

पृष्ठांकन सं ओ/न्या. ....जबलपुर, दि.....  
पत्तिलिपि अद्यो दितः—  
(1) सचिव, उच्च न्यायालय वार एरोलिंगशान, जबलपुर  
(2) आयोगा पी/डीपी/एडु .....के काउंसल  
(3) एडु पी पी/डीपी/एडु .....के काउंसल  
(4) योगावत, योगान, जबलपुर न्यायापीठ  
सूचना एवं आवश्यक कार्रवाई हेतु

**(M.P. Singh)**  
**Vice Chairman**

27/11/2002 (9/11/02)  
27/11/2002

Issued  
on 10/11/02  
BS

10/11/02  
जबलपुर