

Central Administrative Tribunal
Jabalpur Bench

OA No.823/04

&

OA No.824/04

Gorakhpur, this the 22nd day of June, 2005.

C O R A M

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

OA No.823/04

1. Sriniwas Verma
S/o Chottelal Verma
R/o Wasin Purva
Near Ranitalab
District Rewa (M.P.)
2. Phoolchand Koal
S/o Bhura Koal
R/o Village Post Rewa
Post Office Purva
Tehsil Sirmore
District Rewa.
3. Sury Pratap Verma
S/o Ram Kishore Verma
R/o Village Choudiyar Gurh
District Rewa.

Applicants.

(By advocate None)

Versus

1. Union of India through
Secretary
Ministry of Human Resource Development
New Delhi.
2. Kendriya Vidyalaya Sangathan
Through its Commissioner
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi.

3. Principal
 Kendriya Vidyalaya
 Civil Line
 Rewa (M.P.)

4. The Assistant Commissioner
 Kendriya Vidyalaya Sangathan
 Regional Office
 Jabalpur (M.P.)

Respondents

(By advocate Shri M.K.Verma)

OA No.824/04

1. Ram Bahor Saket
 S/o Bharatram Charmkar
 R/o Village Post Bholgarh
 District Rewa (M.P.)

2. Gaya Prasad Dwivedi
 S/o Ram Prasad Dwivedi
 R/o LIG 3/29/341
 Nehru Nagar, Rewa District
 Rewa (M.P.)

3. Ram Charan Mishra
 S/o Ganesh Prasad Mishra
 R/o Village Badraon Tiwariyan
 Post Mau, Tehsil Sirmore
 District Rewa (M.P.).

Applicants.

(By advocate Shri Shobhitaditya)

Versus

1. Union of India through
 Secretary
 Ministry of Human Resource Development
 New Delhi.

2. Kendriya Vidyalaya Sangathan
 Through its Commissioner
 18, Institutional Area
 Shaheed Jeet Singh Marg
 New Delhi.

3. Principal
 Kendriya Vidyalaya



Civil Line
Rewa (M.P.)

4. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office
Jabalpur (M.P.)

Respondents

(By advocate Shri M.K.Verma)

O R D E R

By Madan Mohan, Judicial Member

Since the issue involved in both the OAs is same and the facts are similar, these OAs are being disposed of by a common order.

2. The brief facts of the case in both the OAs are that the applicants were duly appointed as daily wagers by respondent Sangathan in 2001 and since then they have been continuously discharging their duties as daily wagers. The grievance of the applicants is that their services have not been regularized in spite of repeated requests made to that effect. The representations submitted for the purpose are pending with the respondents. Hence the OAs are filed.

3. In reply, it is stated on behalf of the respondents that the applicants have mentioned the Vidyalaya as Sangathan whereas Vidyalaya is not Sangathan. They contend that the applicant were engaged for casual work as casual labourers and, therefore, the question of their regularization in service does not arise. The respondents have denied that the applicant were continuously employed for a period of more than 240 days. The applicants' case does not come under the provisions of Industrial Disputes Act. Moreover, Vidyalaya is not an industry. There were no representations received from the applicants. The OAs deserve to be dismissed.



4. Learned counsel of the applicants has drawn our attention towards a common order dated 31.10.2003 passed in OA Nos.452, 791 and 794 of 1999. He has particularly drawn our attention to para 6 of the above order, which reads as follows:

“6. Having regard to the fact that applicants had continued for long, which has been proved on record by accord of certificate from the concerned authorities though not acceding to the request of applicants for reinstatement, we partly allow these OAs with the direction to respondents to consider claims of applicants for regularization against respective Group ‘D’ posts on their availability. This consideration should be done keeping in view the period rendered by applicants in service doing the similar kind of work. However, this shall be subject to the rules and instructions on the subject as also eligibility criteria laid down under the relevant rules meant for the posts. It is also observed that in the event respondents require work of the nature which had been performed by applicants in the past, their claim for re-engagement shall be considered in preference to outsiders, freshers and juniors. With these directions, OAs are disposed of. No costs”

5. Heard learned counsel for the respondents also.

6. The issue involved in these OAs is squarely covered by the aforesaid decision cited on behalf of the applicants. Hence the common order passed in the aforesaid OAs mutatis mutandis applies to the present case also. Accordingly, we partly allow the OAs with a direction to respondents to consider claims of applicants for regularization against respective Group ‘D’ posts on their availability. This consideration should be done keeping in view the period rendered by applicants in service doing the similar kind of work. However, this shall be subject to the rules and instructions on the subject as also eligibility criteria laid down under the relevant rules meant for the posts. It is also observed that in the event respondents require work of the nature which had been performed by applicants in the past, their claim for re-engagement shall be considered in



preference to outsiders, freshers and juniors. With these directions,
OAs are disposed of. No costs"

(Madan Mohan)
Judicial Member

(M.P.Singh)
Vice Chairman

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प्रांकन सं ओ/व्या.....जबलपुर, दि.....
प्रतिलिपि अव्ये दितः—

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीजनी/कु.....के काउंसल
- (3) पत्त्यर्थी श्री/श्रीगती/कु.....के काउंसल
- (4) यंगपाल, के.प्र.अ., जबलपुर न्यायपीठ

मुद्रना एवं आवश्यक कार्यवाही हेतु

उपर रजिस्ट्रेशन

Sohit 9/1749
Dr 1082
M.K.Vernes
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