

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT CAMP : GWALIOR

Original Applications Nos.227 & 228 of 2000

Gwalior, this the 17th day of July, 2003.

Hon'ble Shri Kuldip Singh, Judicial Member

Hon'ble Shri Anand Kumar Bhatt, Administrative Member

(1) O.A.No.227 of 2000

Amar Singh Indoriya, son of Shri Bholaram,
Ex-Peon, Central School, Bhind, District Bhind (MP) - Applicant

(By Advocate - Shri Arun Katare)

Versus

1. The Union of India through Secretary - Human Resources Department, New Delhi.
2. Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016, through Commissioner.
3. Kendriya Vidyalaya, Bhind, District Bhind, through Principal, Kendriya Vidyalaya, Bhind (MP).
4. Shri Shishupal Singh Kushwah, son of Shri... age 40 years, Peon, Kendriya Vidyalaya, Bhind, District Bhind (MP) - Respondents

(By Advocate - Shri P.N.Kelkar)

(2) O.A.No.228 of 2000

Jitendra Kumar Sharma, son of Shri Asharfi Lal Sharma, Ex-Peon, Central School, Bhind, District Bhind (MP) - Applicant

(By Advocate - Shri Arun Katare)

Versus

1. The Union of India through Secretary, Human Resources Department, New Delhi.
2. Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016, through Commissioner.
3. Kendriya Vidyalaya, Bhind, District Bhind, through Principal, Kendriya Vidyalaya, Bhind.
4. Shri Ansaar Ahmed Qureshi, son of Shri Mukhtiyar Hussain, Qureshi, aged 25 years, Peon, Kendriya Vidyalaya, Bhind, District Bhind (MP) - Respondents

(By Advocate - Shri P.N.Kelkar)

Common Oral Order

By Kuldip Singh, Judicial Member -

As the facts are identical and the issue involved and grounds raised are common, these OAs are being decided by this common order for the sake of convenience.

2. The applicants Amar Singh Indoriya and Jitendra Kumar Sharma were engaged as a Peon on 1.12.1995 and 1.6.1996 respectively, on daily rate basis, in Kendriya Vidyalaya, Bhind and continued as such up to 20.9.1999. Thereafter they were not allowed to discharge their duties and not being paid their salaries. Hence these OAs.

3. The respondents in their replies to the OAs have submitted that the applicants were daily rated employees and there was no question of dispensing the services of the applicants. The applicants were engaged till their services were required.

4. During the course of arguments both the learned counsel agreed that as and when there is a vacancy of daily wager arises, the cases of the applicants shall be considered. Accordingly, these OAs are disposed of with a direction to the respondents to consider the case of the applicants against the next vacancies of daily wager in accordance with rules and instructions on the subject. No costs.

Sd/-

(Anand Kumar Bhatt)
Administrative Member

Sd/-

(Kuldip Singh)
Judicial Member

rkv.