

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 326 of 1998

Jabalpur, this the 23rd day of July 2003.

Hon'ble Mr. J.K. Kaushik, Judicial Member
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

1. Kamal Kumar Pasi,
Son of Shri Tula Ram,
aged about 22 years.
2. Shekh Anwar,
Son of Shri Shekh Nazir,
Aged about 23 years.
3. Vijay Kumar Chourasia,
son of Shri Gurudayal Chourasia,
aged about 22 years.
4. Deena Bahadur,
son of shri Suraj Bahadur
aged about 22 years.
5. Smt. Gomti Bai,
Wife of Late Shri Asha Ram,
aged about 40 years.
6. Vikash Anand,
son of Shri O.P. Pillai,
aged about 20 years.
7. Ukko Singh,
son of Shri Channa Singh,
aged about 30 years.
8. Rakesh Kumar,
son of Shri Laxman Prasad,
aged about 22 years.

All are working as Casual
Industrial Mazdoor at 54, Company
ASC (Supplies) Type-6, Cantt.
Jabalpur. (M.P.)

APPLICANT

(By Advocate - Shri .P. Singh)

VERSUS

1. Union of India ,
Through Secretary
Ministry of Defence ,
New Delhi.
2. D.D.S.T. Area Headquarters,
M.P. Bihar and Orissa Area,
Jabalpur (M.P.)
3. Commanding Officer,
54, Company ASC (Supplies)
Type-C, Cantt. Jabalpur (MP)
4. Deputy Commanding Officer,
54, Company, ASC (Supplies),
Type-C, Cantt. Jabalpur (M.P.)

RESPONDENTS

(By Advocate - Shri S.C. Sharma)

ORDER (ORAL)

By J.K.Kaushik, Judicial Member -

Shri Kamal Kumar Pasi and 7 others have filed this O.A. inter alia praying for grant of payment in regular pay scale of Rs.750-910 as per the appointment letter dated 1.11.1996 with further benefit of revision of pay scale with effect from 1.11.1996. They have also ^{prayed} for allowing the applicants to continue in service in the status of casual industrial mazdoor.

2. The case of the applicant is that they were inducted in service as casual industrial mazdoor on different dates since 1982 and some of them are working from 1994 and 1995 onwards. As such they have served the department for a very long period. There existed about 70 vacancies and a selection was conducted. The applicants were medically examined and appointment orders were also issued. The applicants joined their duties immediately but they were not paid in the regular pay scale as per the appointment letter dated 1.11.1996. Certain persons like Partawan and others filed an Original Application No.200/1997 in the similar matter and the same was allowed vide order dated 1.7.1997. They were promised to be given appointment with effect from 1.11.1996 but nothing substantial has been done.

3. Reply has been filed on behalf of the respondents and the facts and grounds have been controverted and it has been submitted that the appointment letters were cancelled vide order dated 25.12.1996. Since the order dated 1.11.1996 was never given effect to, they are not entitled to any relief.

4. We have heard the learned counsel and carefully perused the records.

5. At the very outset it is submitted by the learned counsel that in an identical case the similar matter was adjudicated upon by this Bench of the Tribunal in O.A.No.653/97 Utku Singh vs. Union of India & others decided on 28.10.2002. The said Original Application was allowed with the



following directions :-

"6.Accordingly we direct the respondents to pay the pay and allowances as per terms as of Annexure A-2 to the applicant for the period he had worked and we further direct the respondents not to replace the services of the applicant by fresh recruits even for the post of Casual Labourer and that the applicant shall be reinstated as Casual Labourer and shall be regularised on a preferential basis as and when the regular vacancy arises and released according to the rules.

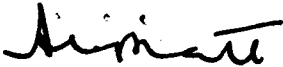
7. On the basis of discussion made above this Original Application is disposed of with the above directions. There will be no order as to cost".

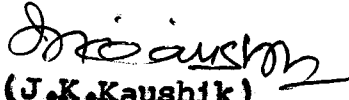
6. It is admitted on behalf of both the parties that the controversy involved in the present case is squarely covered on all fours by the decision in the case of Ukku Singh(supra) and the same does not remain res integra. It has, therefore, been submitted that the O.A. may be disposed of on the similar terms.

7. Since the similar controversy has been dealt with and adjudicated upon by this Bench of the Tribunal, we have no hesitation in following the aforesaid decision in this case and, therefore, we decide this OA in the similar terms and pass the order as under-

"The respondents are directed to pay the pay and allowances to the applicants in pay scale of Rs.750-940 for the period they have worked on the post of casual industrial mazdoor in pursuance with appointment letter dated 1.11.96 and we further direct the respondents not to replace the services of the applicants by fresh recruits even for the post of Casual Labourer and that the applicants shall be reinstated as Casual Labourers and shall be regularised on a preferential basis as and when the regular vacancies arise and released according to the rules.

The O.A. is disposed of with the above directions. No costs."


(Anand Kumar Bhatt)
Administrative Member


(J.K. Kaushik)
Judicial Member.

