

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH,
NEW DELHI**

**C.P. No.614/2016
in
OA No.3055/2012**

New Delhi this the 17th day of April, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. P.K.Basu, Member (A)

John
S/o Shri D.Prasad
R/o WZ-799/3, Palam Villlage
4-5 Near Shiv Mandir, New Delhi.

....Petitioner.

(By Advocate: None)

VERSUS

1. Dr. Jayanta Sengupta
Director-in-Charge
Anthropological Survey of India 27
Jawaharlal Nehru Road
Kolkata.

2. Dr. Harashawaradhana
Head of Department
Anthropological Survey of India
NWRC 192/1
Kaula Garh Road
Dehradun-248195.

.... Respondents.

(By Advocate: Shri S.M.Arif)

ORDER (ORAL)

By Hon'ble Mr.V. Ajay Kumar, Member (J)

None for the applicant.

2. The OA No.3055/2012, filed by the applicant, was disposed of by this Tribunal on 13.05.2016, as under :-

"6. It is seen that the applicant joined very much after the introduction of the Scheme dated 1.9.1993 as he joined on 27.10.1997 with the respondents. The claim made by the applicant that he should have been regularized as per 1.09.1993 Scheme is misplaced. Even his claim that juniors have been regularized leaving behind him is not correct as it is

seen that both Mr. Shri Naresh Sarkar and Shri Sajib Kumar @ Sanjeet are senior to him as they have joined on 4.12.1992 and 22.12.1994. It is also true that the applicant joined at Dehradun 6 OA 3055/2012 and the applicants in the writ petition, namely, Mr. Shri Naresh Sarkar and Shri Sajib Kumar @ Sanjeet are working at Meghalaya. Hence it cannot be termed that over looking the applicant, others have been regularized. As the applicant is working with the respondents since long, admittedly from 27.10.1997 and 5.08.2003 though as a contingent paid staff, in the interest of justice respondents are directed not to disengage him and allow him to work with them till any regular incumbent joins as per the ratio held in the case of State of Haryana and Others etc. Vs. Piara Singh and Others etc. reported in AIR 1992, Supreme Court, 2130.

7. Accordingly with the above directions, OA stands disposed of.”

3. On 09.03.2017, when this matter was taken up for hearing, the learned counsel for the respondents submits that they have not violated the aforesaid orders of the Tribunal and on the other hand the applicant himself is not reporting duty and in the event if he reports for duty, they are ready to take him back on duty, as per the orders of this Tribunal. In those circumstances, we directed the applicant’s counsel to ensure the reporting of the applicant before the respondents within one week and report the same to this Court on the next date and if he fails to report for duty, appropriate orders would be passed in the C.P.

4. In spite of the aforesaid order, according to the respondents’ counsel, the applicant failed to report for duty as per the orders of this Tribunal, and even there is no representation on his behalf today.

5. In the circumstances, we do not find any merit in the CP and, accordingly the same is closed. Notices are discharged. No costs.

(P.K.Basu)
Member (A)

(V. AJAY KUMAR)
Member (J)

