

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**O.A. No.60/1013/2018
M.A. No.60/1286/2018**

Date of decision: 16.01.2019

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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1. Priyankar Das, aged 38 years, S/o Late Shri Pashupati Nath Das, R/o 54, Borai Chandi Tala, Post Office Chandan Nagar, District Hooghly, West Bengal, PIN 712136.
2. Anupam Mitra, aged 37 years, S/o Shri Santimoy Mitra, R/o 48, Golahat Road, Post Office Sripally, District Burdwan, West Bengal, Pin 713103.
3. Esha Deb Goswami, aged 34 years, D/o Samir Kumar, Deb R/o 156/12-B, B.T. Boad, Dunlop, Kolkata, Pin 700108.
4. Banasree Roy, aged 47 years, D/o Shri Niranjan Roy, R/o 18/4, Akrur Dutta Lane, Kolkata, Pin 700012.
5. Amit Kumar Bose, aged 37 years, S/o Shri Arun Kumar Bose r/o Mahaprovu Para, Ranaghat, District Nadia, West Bengal, Pin 741201.
6. Chaitali Modak, aged 44 years, D/o Shri Brojo Bandhu Bhor, R/o Bhuban Chandra Bhar Road, Lal Began, Bhakunda, Post Office, Chandan Nagar, District Hooghly, West Bengal Pin 712136.
7. Suvadarshini Panda, aged 32 years, D/o Trilochan Panda, R/o AT Umar, Post Office Jhadeswarpur via Nishintakoil, District Cuttack, Odisha, Pin 754207.
8. Buddhadeb Singha, aged 42 years, S/o Braja Gopal Singha R/o Village and Post Office Boinchigram, District Hooghly, West Bengal, Pin-712135.
9. Sanjay Singh Chauhan, aged 43 years, S/o Shri Ramkrishna Singh Chauhan, R/o Ward No.03, Bairafi Para Chhuikhadan, District Rajnamdgaon, Chhatisgarh, Pin 491885.

10. Chandan Mahapatra, aged 34 years, S/o Saroj Kumar Mahapatra, R/o shilampur, Post Office Pirijkhanbar, District Purbamedinipur, West Bengal, Pin 721422.
 11. Arabinda Pal, aged 30 years, S/o Akhlchandra Pal R/o Village Khhabatagram, Post Office Palishgram, District Burdwan, West Bengal, Pin-713147.
 12. Dibyendu Roy, aged 31 years, S/o Late Bishnu Pada Roy, R/o Village Jendur, Post Office Majhkanda, District Birbhum, West Bengal, Pin-731233.
 13. Ajaya Kumar Mohanadia, aged 29 years, S/o Iswar Mohanandia R/o AT Bonglaguda, Post Office Borigumma, District Koraput, Odisha, Pin-764056.
 14. Chandan Kundu, aged 30 years, S/o Sailen Kundu, R/o village Parashia, Post Office Tantipara, District Birbhum, West Bengal, Pin 731126.
 15. Gonesh Chandra Mondal, aged 33 years, S/o Ajit Kumar Mondal, R/o Village subuddhipur Thaipara, Post Office Baruipur, District 24 PGS (South), Kolkata, Pin 700144.
- All applicants are in Group B.

... APPLICANTS

VERSUS

1. Union of India through its Secretary, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.
2. The Director General, Department of Labour Bureau, SCO 28-31, Sector 17-A, Chandigarh-160017.
3. Under Secretary, Department of Labour Bureau, SCO 28-31, Sector 17-A, Chandigarh-160017.

... RESPONDENTS

PRESENT: Sh. Arun Takhi, counsel for the applicants.
Sh. Sanjay Goyal, counsel for the respondents.

ORDER (Oral)**SANJEEV KAUSHIK, MEMBER (J):-**

1. M.A. No.60/1286/2018 has been filed by the applicants under Rule 4(5)(a) of the C.A.T. (Procedure) Rules 1987, praying for joining together and filing a single O.A. Counsel for the applicants stated that all the applicants are presently in service and in case anybody has retired, his name may be excluded from the M.A. as well as O.A.
2. The applicants are before this Court for quashing impugned Advertisement (Annexure A-3) whereby respondents have notified 429 posts of Investigators under two Schemes namely Pradhan Mantri Mudra Yojna Survey and Area Frame Survey Schemes.
3. Solitary plea raised by the applicants is that respondents cannot replace one set of contractual employees by another set of contractual employees as the applicants are already continuing with the respondents.
4. After notice, matter came up for hearing today.
5. Sh. Sanjay Goyal, counsel for the respondents along with Sh. Kailash G. Sharma, Director Administration, who is present in the Court suffer a statement that these applicants will be adjusted against the Schemes for which they are calling candidates who are eligible in terms of policy and they will be adjusted under new Scheme Area Frame Enterprise Survey (AFES for short), if they are otherwise eligible. Therefore, learned counsel for the respondents prayed that this O.A. may be disposed of.

6. Considering the above indicated statement that applicants will be adjusted under AFES Scheme and they will be offered appointment immediately, we dispose of this O.A. as having been rendered infructuous as the respondents themselves have come up with a clear stand to adjust the applicants on contractual appointment. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 16.01.2019.
Place: Chandigarh.

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