

Supreme Court of India

Central Welfare Board & Ors vs Ms. Anjali Bepari & Ors on 2 August, 1996

Equivalent citations: JT 1996 (8) 1, 1996 SCALE (6)302

Author: K Ramaswamy

Bench: Ramaswamy, K.

PETITIONER:

CENTRAL WELFARE BOARD & ORS.

Vs.

RESPONDENT:

MS. ANJALI BEPARI & ORS.

DATE OF JUDGMENT: 02/08/1996

BENCH:

RAMASWAMY, K.

BENCH:

RAMASWAMY, K.

G.B. PATTANAIAK (J)

CITATION:

JT 1996 (8) 1 1996 SCALE (6)302

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Mr. Bijan Kumar Ghosh, Advocate takes notice for respondent No.1.

It is not in dispute that the respondent came to be appointed against a casual vacancy in the Central Social Welfare Board Scheme. The respondent has been continuing ever since the date of appointment, namely, February 11, 1992. She filed writ petition in the Calcutta High Court for direction to regularise her services. The learned Single Judge held in the judgment that she was not entitled to regularisation as the mode of her appointment was not in accordance with the rules. In the impugned order dated January 24, 1996, the Division Bench in FMAT No.16/95 reversed the order of the learned Single Judge and directed regularisation of the services of respondent as under:

"The appeal, therefore, succeeds.

The judgment and order of the trial court is set aside. The writ application is allowed.

The respondents are directed to regularise the service of the appellant in the post of

Gram Sevika with effect from the date she completed three years of service in the concerned Project positively within two months from date and also to pay her arrears salaries and other benefits, if any, within the aforesaid period."

Calling this order in question, this SLP has been filed. It is not in dispute that the project is being wound up in a phased manner and the services of the employees are being dispensed according to what is stated by the learned counsel for the petitioners that no junior to the respondent was allowed to continue in the said project. It is stated that there are other projects being operated similarly, but the persons engaged therein also are continuing on temporary basis and are senior to the respondent. Therefore, she cannot be regularised in any other scheme. In view of the above stand, we direct the petitioners to continue the respondent in any other temporary scheme but keeping in mind the overall seniority of all the persons; the dispensing with the services should be on last-come-first-go basis, i.e., the juniormost incumbent has to go out first. As and when vacancies would arise, such persons whose services have been dispensed with will be taken back without following the practice of requisitioning the names of candidates from the employment exchange. They would be regularised only when regular posts are available and in accordance with the order of seniority.

The special leave petition is accordingly ordered.