

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2617/2002 ✓

and

OA NO. 62/2003

This the 15th day of July, 2003

HON'BLE SH. SHANKER RAJU, MEMBER (J)

O.A.No. 2617/2002

1. Narinder Kumar
S/o Shri Risal Singh,
VPO Bhalout District, Rohtak
Haryana 124401
PP No. 951262-21306
2. Jai Singh
S/o Shri Ruop Chand
VPO Dobh District, Rohtak
Haryana 124418
PP No. 961262-37034, 37088
3. Prem Chand
S/o Shri Sispal,
VPO Bihali District Mahender Gurh
Haryana
VPO Bihali District Mahender Gurh
Haryana
4. Surender Singh
S/o Late Shri G.S. Rawat
II Sector-5, Outer No. 692
73/14 Pushp Vihar
New Delhi.
5. J.C. Khatri
S/o Shri Amir Singh Khatri
VPO Panchi Jatiyan District, Sonipet,
Haryana.
6. Ranbir Singh
S/o Shri Roop Chand
VPO Bayanpur Sonipet,
Haryana-131002
7. Sant Kumar
S/o Shri Chander Pal Singh
Village Kharak Khuard
PO Kharak Kalam
District Bhiwani
Haryana
8. G.U. Khan
Mahavir Enclave Part III
Near Qureshi STD,
Uttam Nagar New Delhi
9. Ved Pal
S/o Shri Bola Ram
H-526 Sarojini Nagar,
New Delhi-11023.

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10. Fateh Singh
Gaon and Post Office Nimbi
Zilla Mahendragad
Haryana. Applicants

O.A. No. 62/2003

Kali Ram,
G.Bi, C-15, Rajdhani Park,
Nangloi, Delhi-110 041.

Applicant

(By Advocate: Ms. Asha G.Nair)

Versus

1. Council of Scientific Industrial Research,
through its Director General
Anusandhan Bhavan,
2, Rafi Marg,
New Delhi-110 001.

2. Joint Secretary (Admn),
CSIR, Anusandhan Bhavan,
2, Rafi Marg,
New Delhi-110 001.

Respondents

(By Advocate: Ms. K.Iyer)

ORDER (ORAL)

By Sh. Shanker Raju, Member (J)

As the question of law and facts involved are identical, the above OAs are disposed of by this common order. In the above OAs, applicants have sought direction restraining the respondents from terminating their services as long as they require work of Security Guard and also their absorption in regular scale as Security Guards. Wages equivalent to those casual workers as per Govt. of NCT, Labour Department Rules have been sought.

2. Applicants who are ex-servicemen have been appointed as Security Guards for a period of 6 months on a monthly emoluments of Rs.3000/- with a condition that their services are liable to be terminated by one month's notice. They had been continuing from 1997-98 and some of them from 2000.

3. As per Govt. of India's revision of minimum wages w.e.f.

1.2.2002 as per Labour Department notification of Govt. of NCT, for a Security Guard the minimum amount prescribed is Rs.5133/-. Applicants in their representations prayed for hike in their wages.

4. By a notice inviting tenders (NIT, for short) issued in 24.9.2002 published in Times of India tenders have been invited from Security agencies to provide security services in the premises of respondents.

5. Apprehending termination on acceptance of tender present OA has been filed.

6. Learned counsel of the applicants state that as the applicants have not followed the wage structures as per Govt. of NCT Notification and the applicants are still paid Rs.3000/- as consolidated salary the same amounts to discrimination violating Articles 14 & 16 of the Constitution of India. One of their arguments is that having completed more than 240 days the applicants are entitled for regularisation of services and issuance of NIT would have an effect of termination of their services.

7. On the other hand, counsel for respondents Ms. K.Iyer vehemently opposed the contentions and states that the representation made by the applicants is still to be responded to and the OAs are premature.

8. On merits, it is stated that the notification of Govt. of NCT regarding revision of wages is applicable only to Security agents sponsored through DGR and as the applicants are not

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engaged through any security agent and were rather individually engaged the same would not apply to them. However, it is stated that being an ex-servicemen applicants get pension from Ministry of Defence in addition to the amount paid. As the applicants are not sponsored by DGR their claim cannot be considered.

9. As regards NIT, it is stated that the same has not been acted upon yet and no action pertaining to the applicants' continuance in service has been undertaken. In so far as regularisation is concerned it is stated that the same cannot be done de hors the rules and applicants have no right to be regularised.

10. In the rejoinder it has been stated that applicants are ex-servicemen and recruited through Director General of Resettlement and as such are entitled for revised wages.

11. I have carefully considered the rival contentions of the parties and perused the material on record. In so far as the grievance of the applicants as to termination of their services the same is not well founded and is an apprehended one. Though NIT has been issued but as per the statement of respondents the same is yet to be acted upon, with the result the applicants are still continuing.

12. As regards regularisation is concerned, the same is to be done in accordance with rules as the applicants are ex-servicemen. If they confirm to the eligibility criteria on their applications their cases would be considered for regularisation and for that they have to be amenable to the selection process meant for the post.

13. As regards the revised wages are concerned, as the applicants have preferred a representation in the event they produce before the respondents proof of their being sponsored through DGR their name for revised wages would be considered by the respondents. With the aforesaid observation both the OAs are disposed of. No costs. A copy of the order be kept in both the files.

S. Raju
(SHANKER RAJU)
Member (J)

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