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Central Administrative Tribunal, Principal Bench

Original Application No.499 of 2002

New Delhi, this the 21st day of August, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman

Rajender Prasad
S/o Shri Bhauren Lal
O/o the Executive Engineer
"U" Division, C.P.W.D.
R.K.Puram, New Delhi

..... Applicant

(By Advocate: Shri U.Srivastava)

Versus

Union of India, through

1. The Secretary,
Ministry of Urban Development
Nirman Bhawan, New Delhi
2. The Director General Works
"A" Wing, Nirman Bhawan
New Delhi
3. The Superintending Engineer
Delhi Kendriya Parimandal,
C.P.W.D., New Delhi
4. The Executive Engineer
"U" Division, C.P.W.D.
C.G.O. Complex, New Delhi

.... Respondents

(By Advocate: Shri D.S.Mahendru)

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Applicant was initially engaged as Carpenter on hand receipt basis with the respondents w.e.f. 28.7.87. On 19.3.97, a trade test was conducted by the respondents for regularising Carpenters on hand receipt basis. On 4.6.97, applicant was declared to have passed the said test vide Annexure A-2 (page 11). Aforesaid order of 4.6.97 clarifies that passing the trade test will not give any right for regularisation and that the applicant will be regularised in his turn. Applicant, in the circumstances, has instituted the present OA for a direction to the respondents to consider his claim for regularisation and

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for grant of pay scale which is prescribed for Carpenters appointed on regular basis.

2. Aforesaid claim is resisted on behalf of the respondents by contending that the case of the applicant is under consideration of the competent authority, subject to availability of regular vacancies. It is further contended that as has been specifically pointed out in the result of the trade test that passing thereof will not confer any right for regularisation in service and that regularisation will be done as per seniority of the applicant and subject to availability of regular vacancy. In view of this, it is contended that applicant has no cause of action for filing the present OA.

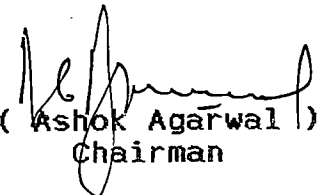
3. I have heard the learned counsel appearing for the contending parties and I find that the respondents have not given any details as to the number of vacancies that had arisen on the date of holding of the trade test and the vacancies which have arisen thereafter. They have also failed to give the position of the applicant in the seniority list of the successful candidates at the trade test and the number of candidates who have already been regularised.

4. In view of the above, I find that interests of justice will be duly met by disposing of the present OA with a direction to the respondents to treat the present OA as a representation made for the purpose of grant of regularisation and to pass a reasoned and a speaking order

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thereon. This be done expeditiously and within a period of six weeks from the date of service of a copy of this order. Respondents, in the aforesaid order, will specify the aforesaid details which I have found wanting in the counter filed by and on behalf of the respondents.

5. Present OA is disposed of in the aforestated terms. No order as to costs.


(Ashok Agarwal)
Chairman

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fresh MA for extra 7 time.