

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

CP NO. 257/2002 INB  
OA NO. 197/2002

New Delhi, this the 17th day of February, 2003

HON'BLE SH. V.K.MAJOTRA, MEMBER (A)  
HON'BLE SH. KULDIP SINGH, MEMBER (J)

Sh. Murari Lal Sharma  
Working as Motor Lorry Driver in the office of  
Executive Engineer, C.P.W.D.  
Ghaziabad Central Division,  
Ghaziabad.

-Applicant

(By Advocate: Shri P.S. Goindi, proxy for  
Shri S.K. Anand)

Versus

1. Shri Krishan Kumar,  
Director General, CPWD  
Nirman Bhawan,  
New Delhi.
2. Shri G.S. Pant  
The Executive Engineer,  
Ghaziabad Central Division,  
Hindon Air Port, Gaziabad.

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A)

Both learned counsel heard.

2. OA-197/2002 was disposed of vide order dated 23.1.2002, which reads as follows:-

"The applicant was initially appointed in Group 'C' post as Motor Lorry Driver (MLD) on 14.6.94. The applicant has been working at various places on transfer from time to time and in November, 1999, on transfer, he has been working with GCD, CPWD, Hindon Airport. According to the applicant having completed 6 years of services he is eligible for regularisation of his services as MLD. However, his representation of 26.12.2001 had remained unreplied. The applicant has sought direction to the respondents for regularisation of his services in terms of this Tribunal's order dated 21.1.99 in OAs 1138/97 and 1154/97 and also in terms of order dated 29.1.2001 in OA-1948/2000 with consequential benefits.

*Ab*

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Having regard to the averments made in the OA, in our considered view, the interest of justice would be duly met, if the respondents are directed at this stage itself, to consider applicant's representation dated 26.12.2001 alongwith this OA as a supplementary representation in the light of the judgments cited by the applicant for regularisation of his services. In the meanwhile the respondents are restrained from dispensing with the services of the applicant and from dispossessing him from Government accommodation allotted to him till decision on his representation. OA is disposed of in the above terms".

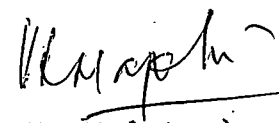
3. Respondents have disposed of applicant's representation dated 26.12.2001 vide their Memo dated 5.10.2002 (Annexure R-2 with the additional affidavit). Respondents have denied regularisation of applicant's services in the post of MLD stating that there is a ban on filling up of vacant posts, workers in the category of MLD are in excess of number of sanctioned posts and further that he had been appointed in the Border fencing project with the condition of termination of all such casual workers after closure of the project. Learned counsel of the respondents stated that services of the applicant had been continued and the Border fencing project is still on. However, services of the applicant could not be regularised in view of the ban and <sup>that</sup> the workers in the category of MLDs are in excess of number of sanctioned posts. He stated that <sup>while</sup> ~~if~~ the applicant's services will be continued till closure of the project and in case any casual worker engaged in the Border fencing project junior to the applicant is regularised, applicant's services shall also be regularised. Learned counsel of the applicant is satisfied on this assurance that no junior than the

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applicant shall be regularised in preference to the applicant. C.P. 257/2002 is dropped. Notices issued to the respondents are discharged.

  
(Kuldip Singh)  
Member (J)

  
(V.K. Majotra)  
Member (A)

cc.