

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2036 of 2002 12

New Delhi, this the 21st day of May, 2003

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Shri Chattar Singh
aged about 43 years
R/o Gaon Rangpuri,
New Delhi-110 037.

-APPLICANTS

(By Advocate: Shri Surinder Singh)

Versus

1. The Chief Secretary,
Government of National Capital Territory
of Delhi,
Delhi.

2. The Chief Engineer (I&F)
Government of NCT of Delhi,
1Vth Floor, ISBT Building,
Delhi.

3. The Superintending Engineer,
Government of NCT of Delhi,
Circle-III, Office Complex,
Sector-15, Rohini,
Delhi-110085.

-RESPONDENTS

(By Advocate: Shri Vijay Pandita)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant in this OA seeks a direction to the respondents to regularise his services as work charged driver from the date his junior had been regularised w.e.f. 19.12.1995.

2. Facts in brief are that the applicant was working as driver on Muster Roll under the respondents. However, his services were terminated vide order dated 14.6.1996. The applicant had challenged his termination order by filing an OA 1521/1996 which was decided on 2.12.1998 wherein the termination order was quashed and



respondents were directed to reinstate the applicant and even back wages were allowed to the applicant.

3. While the applicant was out of service, certain persons who were junior to the applicant had passed the trade test and were regularised, so the applicant now in the present OA claims that he is also entitled to be regularised from the date his juniors had been regularised.

4. Respondents are contesting the OA. The respondents pleaded that the applicant cannot be appointed to the post of work charged driver without following the Recruitment Rules and instructions. The applicant has to fulfil certain conditions such as requirement, educational and other qualifications. For regularisation as work charged driver, he must also fulfill the conditions of upper age limit. The respondents have also filed additional affidavit in reply to the rejoinder filed by the applicant wherein the applicant has stated that he possesses all the necessary qualifications for being appointed to the post of work charged driver whereas the respondents had challenged the educational qualifications of the applicant etc. and submitted that he is not eligible to be appointed as work charged driver.

5. I have heard the learned counsel for the

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parties and gone through the records of the case.

6. As regards the fact that certain juniors to the applicant had been regularised as work charged drivers that is not in dispute. The only plea made by the respondents is that at the time when regularisation had taken place applicant was not in service so his case could not be considered. But since the applicant has been reinstated by the order of the court, that too with back wages, so the applicant goes back to the same place on his reinstatement and to my mind he is entitled to be considered for regularisation along with his juniors. The applicant has placed on record the documents regarding trade test passed by him and he claims also that he meets the other essential qualifications for being appointed as work charged driver.

7. In my view since the termination order of the applicant had been quashed with all consequential benefits so the applicant is also entitled to be considered for being regularised from the date when his juniors were regularised in accordance with the rules and instructions and subject to fulfilling the essential qualifications. As regards back wages are concerned that respondents can decide in accordance with the rules and instructions. These directions may be complied with within a period of 3 months from the date of receipt of a

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copy of this order.

8. OA stands disposed of with the above directions. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

/Rakesh