

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No.1117/2001

New Delhi this the 31st day of December, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V. Srikantan, Member (A)

Dinesh Kumar Gupta
S/o Shri Ghanshyam Dass Gupta
R/o H.No. 18, Buradi Natha Pura Road,
Amrit Vijar Colony,
Delhi.

-Applicant

(Applicant Present in Person)

Versus

1. Govt. of NCT Delhi
Through its Chief Secretary
No.5, Sham Nath Marg,
Delhi.
2. Central Public Works Department,
Through Superintending Engineer (Elec.)
Co-ordination Division, C.P.W.D.,
Room No. 40-A, Fourth Floor,
Indraprastha Bhawan,
New Delhi.
3. The Executive Engineer (E)
Asian Games Elect. Division I,
C.P.W.D., New Delhi.
4. The Assistant Engineer (E)
Electrical Division, Timarpur,
C.P.W.D., New Delhi.

-Respondents

(By Advocate: Shri Rajinder Nischal)

ORDER (Oral)

Hon'ble Shri Justice V.S. Aggarwal, Chairman

By virtue of the present application Shri Dinesh Kumar Gupta seeks that he should be considered for promotion to the post of Assistant Pump Operator now redesignated as Pump Operator and given due seniority with all consequential benefits flowing from the regularisation of his services since 1993.

AS Aggarwal

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2. Some of the relevant facts are that the applicant was registered with Regional Employment Exchange on 13.9.1982. The applicant was engaged as Assistant Pump Operator against Muster Roll on 5.10.1982. He continued to work as such upto 17.2.1993, i.e., for nearly 11 years.

3. In the year 1986, the respondents had advertised for appointment to the post of Operators and Assistant Operators. It is alleged that after the applicant had put in 11 years he became desperate because his services were not regularised in order to provide sense of security. He opted to join the post of Khallasi in the year 1993 as a regular employee. He has been working as a Khallasi against regular post till date. Applicant contends that he was given assurance that as and when regular post of Assistant Pump Operator would be available, he would be considered in this regard.


4. It is the case of the applicant that the Supreme Court in a large number of cases has held that those daily wagers who have been working since long time should be considered for appointment and regularisation.


5. Needless to say that the application is being contested and it has been pointed out that since the applicant had himself opted to work as a Khallasi and has been regularised as such he has no right to claim that he should be considered for regularisation as Assistant Pump Operator, now redesignated as Pump Operator.

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6. Our attention has been drawn towards the fact which was not disputed at the Bar that certain other persons who had been so appointed in pursuance of the orders passed by the Apex Court in Civil Writ Petition No.1324/1990 decided on 6.5.1991 have been given the benefit of being regularsied as Assistant Pump Operators. Applicant seeks his similar treatment.

7. At this stage, we deem it not necessary to express any opinion on merits of the matter but we direct keeping in view the totality of facts that respondents would consider as to if the applicant is to be awarded the benefit of the decision of the Supreme Court in cases similarly placed. This exercise should be conducted within six months from the date of receipt of a copy of the present order and a speaking order may be passed and conveyed to the applicant.


(V. Srikantan)
Member (A)


(V. S. Aggarwal)
Chairman

cc.