

(11)

Central Adminisrative Tribunal
Principal Bench

O.A.No.1301/2001

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 27th day of May, 2002

Puran Prakash
s/o Late Shri Prem Ram
r/o 18/140, Kalyan Puri
New Delhi - 91. ... Applicant

(By Advocate: Shri U.Srivastava)

Vs.

1. Union of India through
The Secretary
Ministry of Human Resources & Development
Shastri Bhawan
New Delhi.
2. The Director General
Archaeological Survey of India
Janpath
New Delhi.
3. The Director (Admn.)
Govt. of India
Archaeological Survey of India
Janpath, New Delhi. ... Respondents

(By Advocate: Sh. S.Mohd. Arif)

O R D E R (Oral)

By Shanker Raju, M(J):

Heard both the parties.

2. Applicant, who has been admittedly working with the respondents w.e.f. 6.9.1988, has sought regularisation against Group 'D' posts. In view of Annexure A1, letter dated 14.9.1999 of the respondents wherein the performance report for the year 1998-99 has been called for consideration of applicant against regular Group 'D' post. In this background, it is stated that applicant has right to be regularised in accordance with Annexure-A1.

3. On the other hand, learned counsel for respondents stated that the case of the applicant for regularisation has been taken up and was sent to DoPT for clarification. It is clarified that the DoPT's Scheme of 10.9.11993 is not applicable to Skilled Casual employees who are performing the work of Group 'C' employees. Accordingly the temporary status has been withdrawn as the applicant was working as Skilled casual labourer and further it is decided to accommodate him, on his undertaking, to work as un-skilled work which is the work of Group 'D' employee.

4. Having regard to the rival contentions of both the parties, the OA is disposed of with direction to the applicant to give his undertaking to the respondents who will in turn consider the case of the applicant to accommodate him as unskilled worker to perform duties of Group 'D' employee, thereafter a final order be passed by the respondents within two months from the date of receipt of a copy of the representation from the applicant. While considering the representation of the applicant, respondents shall act strictly in accordance with rules and instructions and the treatment meted out to the identical circumstance.

5. The OA is accordingly disposed of. No costs.

S. Raju
(Shanker Raju)
Member(J)

/rao/