

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 155/2001

New Delhi, this the 12th day of July, 2001

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

1. All India CPWD (MRM) Karamchari Sangathan (Regd.) through its President, Shri Satish Kumar 34-D, D.I.Z. Area, Sector-4, Raja Bazar, New Delhi - 110001.
2. Kali Ram, S/o Shri Jug Lal, Beldar,
3. Smt. Meena Devi, W/o Shri Upender Rai Beldar (HR)
4. Smt. Manju Sharma, W/o late Shri Rambir Sharma Beldar,
5. Jai Singh Chitra, S/o Shri Kishan Lal Chitra Motor Lorry Driver,
6. Lal Bahadur S/o Shri Hira Lal, Khalashi,
7. Ansar Ahmed S/o Shri Sirajul Hasan Khalashi,
8. Jeet Singh S/o Shri Bhgwat Singh, Beldar,
9. Mohd. Fareed S/o Shri Mohd. Ramzan Motor Lorry Driver,

Applicants No. 2 to 9

Care of All India CPWD (MRM) Karamchari Sangathan (Regd.) through its President, Shri Satish Kumar 34-D, D.I.Z. Area, Sector-4, Raja Bazar, New Delhi - 110001.

...Applicants

(By Advocate Ms. Shilpa Chauhan proxy
for Shri Naresh Kaushik)

V E R S U S

1. Union of India : through
Secretary
Ministry of Urban Affairs & Employment
Nirman Bhawan, New Delhi - 11.
2. The Director General of Works
CPWD, Nirman Bhawan, New Delhi - 11.

...Respondents

(By Advocate Shri S.M.Arif)

(P)

BY HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

The applicants who includes applicant No.1 which is an Association yet to be recognised, have filed this application for issuing appropriate orders/directions to the respondents to regularise the services of the Members of the applicant No.1, to which applicant 2-9 belong. During the hearing Ms. Shilpa Chauhan, learned proxy counsel for the applicants has submitted that as applicant No.1 is not a recognised Association by the Department, she does not press the claim with respect to applicant No.1. However, she has submitted that as regards applicants 2-9, who have been working with the respondents as Beldars, Motor Lorry Drivers and Khallasis and they have been engaged by them for long periods for ten years and more, in respect of some of the applicants. This fact is not denied by the respondents whose main contention is that at the moment they have already regularised the maximum number of posts available with them in group "D" i.e. 8982.

2. Shri Naresh Kaushik, learned counsel for the applicant had submitted that he relies on the judgement of the Tribunal (PB) in All India CPWD (MRM) Karamchari Sangathan (Regd.) & Ors. Vs. Union of India & Anr. (OA 1923/99) and has stated that the present applicants are similarly situated as those applicants. He had, therefore, submitted that he would be satisfied if similar directions are given to the respondents as given in the order dated 28-3-2001, copy placed on record.

3. In the reply filed by the respondents, they have submitted, inter alia, that the applicants have already been granted temporary status with the consequential benefits as applicable to them. They have also submitted that the

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applicants will be considered for regularisation in their turn according to their seniority as and when vacancies arise. As mentioned above Shri S.M.Arif, learned counsel has submitted that about 8982 Casual Workers have already been regularised in furtherance to the judgement of the Hon'ble Supreme Court in Surender Singh Vs. Union of India & Ors. and on the basis of the further directions issued by them vide OM dated 25-8-1988.

4. On consideration of the reply filed by the respondents, we note that they are considering eligible casual workers against the regular posts, which they have considered as justified, which is about 8982. However, it appears that as per the averments made by the applicants, they have been working as Casual Workers on Muster Roll for a number of years and some of them from 1985 which shows that their services are apparently being required by the respondents even now. In that case, the respondents ought to consider whether they have to get sanctioned further number of posts to 8982, in order to satisfy their needs for group "D" employees in their Department.

5. In the facts and circumstances of the case, the OA is disposed of with following directions to the respondents :—

(i) The respondents should re-verify their records as to the number of vacant posts, if any, they have, and consider whether in terms of the relevant Rules and Instructions any of the aforesaid applicants 2-9 could be regularised, subject to their suitability, eligibility and fulfilment of the terms and conditions laid down in the Recruitment Rules. Taking into account the facts and circumstances of the case, particularly, that the respondents themselves have not denied the fact that the applicants have continued as Muster Roll

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employees for more than ^a decade, they shall, if necessary grant age relaxation to the extent they have rendered service in accordance with the Rules and Instructions.

(ii) Having regard to the fact that the applicants have been continued as Muster Roll employees for a number of years, the respondents should also consider whether they need to take steps for sanctioning a more number of posts in group 'D', ^{instead of} ~~B~~ of merely keeping the applicants at one level below regular employees i.e. ^{only} with temporary status ^{for long} ~~for~~ ^{as} periods.

No order as to costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

Lakshmi Swaminathan
(SMT. LAKSHMI SWAMINATHAN)
VICE-CHAIRMAN (J)

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