

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.1585/2001

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 8th day of April, 2002

1. Shri Om Chand  
s/o Shri Prakash Chand  
r/o 18/222 Trilok Puri  
Delhi - 110 091.
2. Anang Pal  
s/o Shri Mohan Lal  
r/o Village & Post Kayampur  
District Baghpat  
(U.P.)
3. Amar Singh  
c/o Jaswant Singh  
House No.1405, Sector-7  
Pushp Vihar  
New Delhi.

.. Applicants

(By Advocate: Sh. S.K.Gupta, proxy of Shri B.S.Gupta)

Vs.

1. Union of India through  
Secretary  
Ministry of Human Resources & Development  
(Directorate of Adult Education)  
Block No.10, Jam Nagar House  
New Delhi - 110 011.
2. Director  
Directorate of Adult Education  
Ministry of Human Resources & Development  
Govt. of India  
Block No.10, Jam Nagar House  
New Delhi.

... Respondents

(By Advocate: Shri R.N.Singh)

O R D E R (Oral)

By Shanker Raju, M(J):

The grievance of applicants is directed against the action of the respondents to revert them to their substantive posts of Casual Workers. The applicants, who have been accorded temporary status w.e.f. 1.9.1993 in December, 1996 have been continuing to work as Chowkidars/Peon on ad hoc basis with a stipulation that it would not confer the applicants a right to be regularised in the grade, and

the ad hoc service rendered by them would not count for the purpose of seniority in the grade, eligibility for promotion or confirmation.

2. It is the stand of the respondents that applicants have not come up with clean hands and had wrongly stated that they were getting regular pay scale and increments and the grievance of the applicants that their services are being dispensed with is not correct as the original incumbents holding the post of Chowkidars and Peon on substantive basis are being reverted to their substantive grades and to make room for them, the applicants are also being reverted in their original capacity of daily wager with temporary status. It is also stated that as per the Scheme of DoPT dated 10.9.1993, the regularisation is to be done against the Group 'D' post as per the instructions of the Govt. of India on the subject and availability of vacancies.

3. Learned counsel for the applicants, during the course of the hearing, has brought to my attention OA No.1586/2001 filed by S/Sh. Ashok Kumar, Kirpal Singh and Khyali Ram, who have been seeking regularisation against 10% promotion quota admissible for Group 'D' employees. The respondents have proceeded to revert them and against the apprehended action, OA was filed by them and a direction was issued on 13.3.2002 to the respondents not to replace the applicants therein other than by regularly appointed LDCs. As the applicants had been working as Chowkidars and Peon against the posts previously held by these persons and as their reversion has been

stayed till they are replaced by regularly appointed persons, I see no justification to revert the applicants to their substantive grade till the posts against which they are working is not filled up on reversion of its incumbents.

4. I have given considerable thought to the rival contentions. Ends of justice would be met, if the respondents are directed to continue the applicants as Chowkidars and Peon till the time these posts are replaced by their regular appointees. However, this will not preclude the respondents to consider the cases of the applicants for regularisation against Group 'D' post as per the DoPT's Scheme of 1993 subject to availability of vacancies. I ordered accordingly. The OA is disposed of with the above terms. No costs.

S. Raju  
(Shanker Raju)  
Member(J)

/rao/