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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

1. OA No.1638/2001 ✓
2. OA No.1639/2001

New Delhi this the 20th day of July, 2001.

HON^{BLE} MR. GOVINDAN S. TAMPI, MEMBER (ADMN) ✓
HON^{BLE} MR. SHANKER RAJU, MEMBER (JUDICIAL)

OA No.1638/2001

1. Sh. Kuldeep Singh Rana,
S/o Sh. Jai Chand Rana,
R/o Village & PO Ghevra,
New Delhi-110 061.
2. Sh. Krishan Kumar,
S/o Sh. Balbir Singh,
R/o Village & P.O. Singhu,
Delhi.
3. Smt. Saroj,
D/o Shri Ram Emhar Singh,
R/o Village & PO Khera Kalan,
Delhi.
4. Sh. Mukesh vars,
S/o Sh. Shyam Sunder,
R/o Village & PO Karala,
Delhi.
5. Sh. Sheelak Ram,
S/o Shri Ram Mehar,
R/o House NO.250,
Village & PO Bankner,
Delhi-110 040.

-Applicants

(By Advocate Shri S.K. Gupta)

-Versus-

1. Govt. of NCT of Delhi,
through Chief Secretary,
I.G. Stadium, I.P. Estate,
New Delhi-110 002.
2. Director,
Director of Education,
Old Secretariat, Delhi.
3. Deputy Director (Sports),
Directorate of Education,
Chhatersal Stadium,
Model Town,
Delhi.

-Respondents

(By Advocate Shri Mohit Madan, proxy for Mrs. Avnish Ahlawat)

OA No.1639/2001

1. Daya Chand,
S/o Shri Roop Chand,

R/o Village Nithari, P.O. Nangloi,
Delhi-110 041.

2. Ms. Sangeeta Tyagi,
D/o Shri Subhash Chand,
R/o Village & PO Burari,
Delhi. -Applicant

(By Advocate Shri S.K. Gupta)

-Versus-

1. Govt. of NCT of Delhi,
through Chief Secretary,
I.G. Stadium, I.P. Estate,
New Delhi-110 002.

2. Director,
Director of Education,
Old Secretariat, Delhi.

3. Deputy Director (Sports),
Directorate of Education,
Chhatersal Stadium,
Model Town,
Delhi.

-Respondents

(By Advocate Shri Mohit Madan, proxy for Mrs. Avnish Ahlawat)

O R D E R

By Mr. Shanker Raju, Member (J):

As the issue raised in both the OA is the same, we proceed to dispose of the same through this common order.

2. At the outset, the learned counsel for the respondents stated that these OAs can be disposed of by issuing directions in terms of the judgement of the Tribunal in OA-2010/2000 dated 18.4.2001 in Anand Prakash v. Govt. of N.C.T. of Delhi & Others. The learned counsel for the respondents does not wish to file any reply to the OAs. In OA-1638/2001 the applicants have been working on daily wages as Coaches with the respondents. Despite being eligible as per the recruitment rules for being appointed as regular Coaches they have not been considered and now they have become over-aged. They have

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sought regularisation under the scheme to be prepared by the respondents, complying with the directions of this Court in OA-2010/2000. The applicants have also stated that they have not been paid salary for the period they had worked with the respondents. They have also sought their engagement till they are considered for regularisation.

3. In OA-1639/2001 the applicants have also worked as Coaches on daily wages and have sought identical relief that has been prayed for by the applicants in OA-1638/2001.

4. This Court vide an order passed on 18.4.2001 in OA-2010/2000 with OA No.206/2001 in the case of Kabbadi Coaches and Wrestling Coaches issued the following directions:

"9. For the reasons we have mentioned in the preceding paragraphs, we proceed to allow these OAs by directing the respondents to frame a well thought-out scheme for the appointment and regularisation of Coaches providing, inter alia, for the possibility of providing, inter alia, for the possibility of reengagement/regularisation of the services of the applicants by relaxing the age criterion by the number of years each one of them has served the respondent-authority. We accordingly direct the respondent-authority. We accordingly direct the respondents to frame the aforesaid scheme within a maximum period of six months from the date of the service of copy of this order. We also direct the respondent-authority to continue to engage the applicants from time to time as hitherto in accordance with the need of the respondents in preference over freshers/juniors/outsideers.

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10. Before we part with this order, we would like to point out that the respondent-authorities are required to educate themselves with regard to the elementary provisions of the constitution and the concept of the rule of law. If they had the slightest understanding of law and the constitution, they will to have added the sentence reproduced by us in para 3 above and which we

have legitimately noted with deep concern. The respondent-authorities will do well to take note of the expression of this concern on our part.

11. In the result, both the OAs are allowed in terms of the directions contained in para 9 above. No costs."

5. The learned counsel ~~of~~ⁱⁿ the applicants placing reliance on these directions has prayed for extension of the same reliefs to the applicants and sought consideration for appointment and regularisation in the scheme to be framed by the respondents by relaxing the age criteria by number of years each of the applicants have served the respondents. It is also stated that their salaries have not been paid to them during the period they have worked and also to consider them to continue to engage them from time to time in preference over the freshers, juniors and outsiders as per the need of the respondents.

6. The respondents at the outset have fairly stated to consider also the cases of the applicants in the forthcoming scheme to be framed by them in compliance of the directions of this court supra. However, it has been stated that the applicants have been paid the salary for the period they had worked and also no more continuing with the applicants as their term as daily wages have been over in February, 2001.

7. We have considered the rival contentions of the parties and perused the material on record. As regards the claim of the applicants for accord of salary for the period they had worked, we direct the applicants to make a representation to the respondents within a period of 15 days from today, inter alia, incorporating the details of the period for which they have not been paid salary and in

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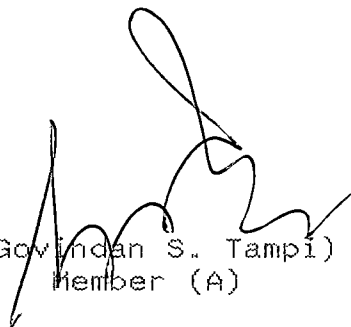
the turn the respondents shall consider the same and in case the applicants have not been paid salary for the period they had worked the same should be paid to them thereafter within a period of four weeks.

8. As the grievance of the applicants for considering them for regularisation by giving them the relaxation in age we find that the applicants in these OAs are similarly circumstance with the applicants in OA-2010/2000 and keeping in view the decision of this court in OA-2010/2000 we allow these OAs by directing the respondents to consider the applicants for regularisation in accordance with law and subject to their conforming to the laid down criteria under the scheme to be framed by them in compliance with the directions of the court and also to relax the age criteria by the number of years each of the applicants has served with the respondents. It is also directed to the respondents to engage the applicants from time to time in accordance with their need of the work in preference over freshers, juniors and outsiders. The aforesaid directions shall be complied with by the respondents within a period of six months from the date of receipt of a copy of this order. No costs.

S. Raju

(Shanker Raju)
Member (J)

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(Govindan S. Tampi)
Member (A)