

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1878/2001

New Delhi, this 28<sup>th</sup> day of May, 2002

Hon'ble Shri M.P. Singh, Member(A)

Virender Kumar & 7 others  
as per details given in  
Memo of Parties

.. Applicants

(By Shri B.S.Maine, Advocate)

versus

Union of India, through

1. Secretary  
Ministry of Water Resources  
Shram Shakti Bhawan, New Delhi
2. Central Soil & Material Research  
Centre, IIT Hostel,  
Outer Ring Road, Hauz Khas, New Delhi .. Respondents

(By Shri B.S. Jain, Advocate)

ORDER

Applicants have earlier filed OA No.2115/97 seeking directions to the respondents for regularisation of their services, which was disposed of by this Tribunal vide its order dated 26.3.1998 with the direction that "in case the respondents have need for casual labourers, they will give preference to the applicants on the basis of the services rendered by them over their juniors and outsiders and if such reengagement is offered, the respondents will also consider the applicants for grant of temporary status and regularization in accordance with the Scheme promulgated by the DoPT and applicable to the respondent-department."

2. The grievance of the applicants in the present OA is that the respondents have given appointment to S/Shri Baljit and Gautam as Labour Helpers and Anita as

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Safaiwali during the year 1998-2000 and that 5 more persons have been appointed through a Contractor, ignoring applicants' claim. They therefore seek directions to the respondents to re-engage their services forthwith from retrospective date from which outsiders have been given appointment and grant temporary status/regularization to them thereafter.

3. On the other hand, it is the case of the respondents in their reply that the process of recruitment to the regular appointment to the two vacant posts of Laboratory Helper-III had been started since June, 1997 and the names of S/Shri Baljeet Singh and Ravi Gautam were kept in the panel of selected candidates after the interview was conducted on 29-30.9.1997. On receipt of Tribunal's order in MA 2288/97 in OA 2115/97 dated 3.10.97 granting interim relief to withhold the appointment to the regular Group D post of LH-III, offer of appointment to the aforesaid persons was kept in abeyance. On vacation of the stay by the Tribunal vide its order dated 26.3.98, both S/Shri Ravi Gautam and Baljeet Singh were given the offer of appointment to the post of LH-III (Gr.D) and they joined duty w.e.f. 25.5.1998 and 26.5.1998 respectively. Smt. Anita was also appointed only against regular post of Safaiwala (Gr.D) on compassionate grounds w.e.f. 29.8.2000. No casual labour was engaged/re-engaged thereafter. In so far as engagement of 5 persons through contractor, it was done by CPWD which is at liberty to engage workers/contract labours and therefore applicants should have no grievance against this. Moreover, CPWD has not been made a party in the

present OA. Respondents have acted in accordance with the judgement of this Tribunal in OA 2115/97 and there is no illegality, arbitrariness or discrimination against the applicants as alleged and therefore the OA be dismissed.

4. To satisfy myself about the averments made by the parties, I have gone through the file submitted by the respondents relating to the appointment of aforesaid three persons. A perusal of the same reveals that the selection committee in its meeting held on 29-30.9.97 has recommended the names of S/Shri Ravi Gautam and Baljeet Singh, who were duly sponsored by the Employment Exchange on the requisition placed on it by Respondent No.2, after getting clearance from the Central (Surplus) Cell as per Rules on the subject, for appointment to the regular posts of Laboratory Helper Grade III. They were recruited in accordance with the Recruitment Rules for the said post notified on 12.6.1984. I also find that the recruitment process in this respect was started as far back as 18.11.96, i.e. much before filing of OA 2115/97 by the applicants, which was disposed of on 26.3.98.


5. The applicants in the present OA were engaged as casual labourers in 1995-1996 and they were disengaged on 31.8.1997, as per the statement given by the respondents in their reply. Therefore applicants should have no grievance against S/Shri Ravi Gautam and Baljeet Singh who were appointed as Laboratory Helper Grade III after due process of selection. It is also an admitted

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position that no casual labour has been engaged by the respondents after the disengagement of the applicants as the applicant have failed to produce any proof thereof. In so far as Mrs. Anita is concerned, I find that she has been appointed on compassionate ground upon the death of her husband Shri Gulab Singh Joon on 30.5.97, who was working as Coupon Clerk (Group C Post), after taking approval from the competent authority. She joined duty as Safaiwali in the office of Respondent No.2 on 29.8.2000. So, the applicants should have no grievance against this also and, therefore, the OA deserves to be dismissed.

6. During the course of the arguments, the learned counsel for the respondents has drawn my attention to the decisions dated 7.1.2002 in CWP No.79/2002 and CWP No.60/2002 by which the Hon'ble Delhi High Court has stayed the Tribunal's orders dated 13.9.2001 in OA 1816/2001 and 5.9.2001 in OA 2473/2001. The Hon'ble High Court in the aforesaid CWPs has held that the order passed by the Division Bench in CWP No.5443/1999 that the Scheme is an ongoing one requires re-consideration as the matter involves a question of importance and, therefore, be considered by a Full Bench. In view of this position also we are unable to grant any relief to the applicants at this stage.

7. In the result, for the reasons recorded above, the present OA is devoid of any merit and is accordingly dismissed. No costs.

  
(M.P. Singh)  
Member(A)

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