

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1921 of 2001

New Delhi, this the 1st day of August, 2001

HON'BLE MR. KULDIP SINGH, MEMBER(JUDL)

Shri Guman Singh
S/o Shri Shyam Singh
Working as Khalasi at
ISBT under Electric Division
4 Sub Division II, PWD,
New Delhi.

And R/o P-329, Gali No.2,
Raj Vir Colony,
Khondli, Gheroli,
Delhi.

APPLICANT

(By Advocate: Shri S.M. Garg)

Versus

1. Union of India through
the Director-General,
CPWD, Nirman Bhawan,
New Delhi.
2. The Superintending Engineer,
Electric Co-ordination Sub Division,
CPWD Room No.1,
IP Bhawan, 4th Floor,
New Delhi.
3. The Executive Engineer,
Yamuna Project Pariyojana,
Electric Division, PWD,
(Delhi Administration)
12th Floor, MSO Building,
Police Headquarter, ITO,
New Delhi.

-RESPONDENTS

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

This application has been filed under Section 19 of the Administrative Tribunal's Act, 1985 challenging the arbitrary, unreasonable and unjust denial of regularisation to the applicant inspite of his working on muster roll as Khalasi continuously from 1.1.1983.

2. The facts as alleged by the applicant are that

[Signature]

he was appointed as a Khalasi under respondent No.2 w.e.f. 01.01.1986 after having been duly sponsored by the Employment Exchange.

3. It is further submitted that from the date of his entry in the service of respondents, the applicant has been discharging the duties most diligently and has never given any room to his superior to comment any adverse remarks on his work. The applicant also states that as he has completed 240 days in each calendar year w.e.f. 1986 till 2000, he should have been regularised in accordance with the scheme dated 10.9.93.

4. It is further submitted that he had been allowed increments w.e.f. 1994 and has been admitted to GPF SCHEME w.e.f. March, 2000. However, he is still not treated at par with the other employees of the respondents employed as Khalasi on regular basis. He has also submitted that he has not been given the benefit of Medical Leave, Gazetted Holidays and he has even not been allowed to avail leave on National Holidays such as 15th August and 26th January.

5. It is further submitted that his counter-parts who are engaged on regular basis are paid annual bonus to the tune of Rs.2500/- whereas he was paid bonus only at Rs.726/-.

6. While in the year 1996 the case of the

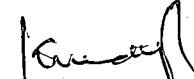
[Signature]

6

applicant was forwarded with favourable recommendations for regularisation amongst the category of muster roll employees continuously employed from the imposition of ban, till date no action has been taken by the respondents to regularise him.

7. It is further submitted by the applicant that another muster roll employee namely Smt. Raj Rani, who is much junior to the applicant since her date of first entry is 1.2.1988 while date of first entry of applicant is 1.1.1986 but she has been regularised in the year 1993 as such he has prayed that he be also regularised and there is no justification in regularising a junior person overlooking the claim of the applicant.

8. After hearing the learned counsel in detail, I think that this OA can be disposed of at the admission stage itself with a direction to the respondents that applicant be considered for regularisation in accordance with the scheme of 10.9.93 and as one junior person had already been regularised so he has to be regularised. He will also be entitled to consequential benefits. This may be done within a period of 3 months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

Rakesh