

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2921/2001

This the 7th day of January, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Ram Phool
s/o late Sh. Nanhe
r/o 206-A, Hari Nagar Ashram,
New Delhi

Duty Place
Government Sundar Nursery Workshop,
Nizamuddin, Horticulture East Division,
C.P.W.D., New Delhi.

(By Advocate: Sh. J.S. Malik)

Versus

1. CPWD through
Director (Horticulture),
Indraprastha Bhawan,
New Delhi.
2. Dy. Director of Horticulture,
Division No.-I, CPWD,
Ashoka Complex,
Kushak Road, New Delhi.

O R D E R (ORAL)

None appeared for the respondents despite repeated calls. I proceed to dispose of this case under Rule 16 of the CAT (Procedure) Rules.

2. Applicant has filed this OA to regularise the services of the applicant as Blacksmith or any other equivalent post w.e.f. 16.7.81. Though the applicant has prayed for arrears of wages as per the award given by the Industrial Tribunal vide award dated 16.1.97, but the learned counsel for applicant donot press the same relief.

3. I have heard the learned counsel for applicant and gone through the record. The OA is opposed by the respondents. Respondents in their counter affidavit claimed that initially applicant was appointed as Blacksmith against a regular vacant

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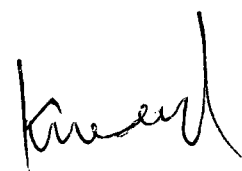
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post through Employment Exchange but ultimately the applicant was treated as daily wage worker and his services were terminated w.e.f. 27.4.85. However, he was re-engaged as Khalasi on daily wages and now he cannot seek regularisation. Respondents also submitted that the request of the applicant for regularisation was considered but since the applicant failed to take the trade test, so his services could not be regularised as a Blacksmith.

4. I have considered the rival contentions and the pleadings.

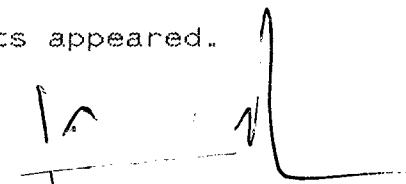
5. It is true that applicant is working as a Blacksmith from 1981 but he has not been regularised so far, meaning thereby that he has already worked for a period of more than 20 years. However, as far as regularisation is concerned, the same can be done only in accordance with rules. Since a chance has been given to the applicant to appear for the trade test but the applicant failed to take the trade test, so he could not be regularised.

5. Keeping in view the same, I allow the OA and direct the respondents to give another chance to applicant to appear in trade test and if he qualifies he may be regularised in accordance with rules.



(KULDIP SINGH)
Member (J)

Later on, Sh. Neeraj Goyal proxy for Sh. Adish C. Aggarwal, counsel for respondents appeared.



(KULDIP SINGH)
Member (J)

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