

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 3054/2001
MA 2488/2002

New Delhi, this the 5th day of February, 2003

Hon'ble Sh. Shanker Raju, Member (J)

1. Lala Ram
S/o late Sh. Mukta Prasad
R/o L-647, Kamla Nehru Nagar
Ghaziabad.

2. Kanhaiya Lal
S/o Sh. Videshi
R/o 79, Rajkunj
Ghaziabad.

3. Dharmender
S/o Sh. Vijay Kumar
R/o (as in 1 above)

...Applicant

(None present)

V E R S U S

1. Union of India
through Secretary
Ministry of Finance
North Block, New Delhi.

2. Chief Commissioner of Income Tax
Aye Kar Bhawan, Meerut.

3. Commissioner
Office of the Income Tax
Aye Kar Bhawan, CGO Complex-I
Ghaziabad.

...Respondents

(By Advocate Sh. V.P.Uppal)

O R D E R (ORAL)

By Sh. Shanker Raju,

Heard.

2. OA is disposed of in terms of Rule 15 of the CAT (Procedure) Rules, 1987.

3. Claim contained in this OA pertained to the casual labours who have already acquired temporary status is for their regularisation as to in the ratio of 2 : 3 and envisaged in DOPT Scheme dated 10-9-93.

22

4. It is stated that despite having vacancies, respondents are not regularising the applicant and appointing them against group 'D' posts.

5. MA 2488/2002 filed by the applicants is for summoning the records pertaining to the number of vacancies after the restructuring at Ghaziabad, Meerut and Noida for group 'D' employees.

6. Sh. V.P.Uppal, Id. counsel today produced before me a chart showing vacancy position after restructuring. From the perusal, it transpires that there has been no change in the vacancy position existed earlier and at present there is no vacancy in group 'D' to consider the applicants for regularisation in view of DOPT Scheme dated 10-9-93. However, it is stated that on availability of vacancies, the applicants shall be considered for regularisation. It is, however, stated that the applicants are still working at temporary status.

7. After hearing Sh. V.P.Uppal, Id. counsel and going through the pleadings, I am of the considered view that from the records, there is no vacancy available in group 'D' to regularise the applicants in their prescribed quota of 2 : 3 envisaged under DOPT Scheme of 1993. However, on availability of vacancies, respondents are directed to consider the claim of the applicants for regularisation as they have already extended the

- 3 -

24

benefit of temporary status strictly in terms of the Scheme and Rules.

8. OA is disposed of with the above observations.

S. Raju

(Shanker Raju)
Member (J)

/vksn/