

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.3068 of 2001

New Delhi, this the 17th day of May, 2003

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

1. Shri Dhan Singh,
S/o Late Shri Diwan Singh,
20 C, Sec. IV, DIZ Area,
S.Bhagat Singh Marg,
Gole Market, New Delhi.
2. Shri Manoranjan Singh,
S/o Late Shri Kaushal Singh,
19/228, Prem Nagar, Lodhi Road,
New Delhi-3.
3. Shri Puran Singh,
S/o Late Shri Guman Singh,
F-180 A, Pratap Vihar,
Gazirabad (U.P.).
4. Shri Sumer Singh,
S/o Late Shri Ram Nath Singh,
B 2/2, Adrujgang, New Delhi-49.
5. Shri Vijay Kumar,
S/o Shri Karan Singh,
H.No.488, Ashok Mohalla,
Gali No.7, Nagloi,
New Delhi.
6. Shri Suresh Kumar II,
S/o Shri Om Prakash Bhardwaj,
H.No.338,
Vill.& P.O.Pehlud Pur (Bangar),
Delhi-42.
7. Shri Virender Singh,
S/o Shri Dhani Ram,
Village-Sukarali, District-Gurgaon(Haryana).
8. Shri Ratan Lal,
S/o Late Shri Phool Singh,
H.No.130, Vill.& P.O.Pehlud Pur(Bangar),
Delhi-42.

-APPLICANTS

(By Advocate: Shri T.C.Agarwal)

Versus

1. Secretary,
Ministry of Information & Broadcasting,
Government of India, Shastri Bhawan,
New Delhi.
2. The Principal Informing Officer,
Press Information Bureau,
Government of India, Shastri Bhawan,
New Delhi-110001.

-RESPONDENTS

(By Advocate: Shri S.K.Gupta)

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ORDERBy Hon'ble Mr. Kuldeep Singh, Member (Judi.)

This is a joint OA filed by 8 applicants as they are aggrieved of the inaction on the part of the respondents. They claim that they are working as Casual Workers for more than 12 years or more and have been granted Temporary Status from 1.9.1993 as per DOP&T Scheme vide Annexure A-1.

2. It is further alleged that a DPC was held in 1999 but regularisation was withheld since respondent No.1 was directed to prepare combined seniority list of all temporary status casual workers working in the Ministry of I&B and its media units - all India and regularise as per that seniority list.

3. It is submitted that the said seniority list was challenged by some other casual Temporary Status Group 'D' employees, namely, Charan Singh and Others Vs. U.O.I. and directions were issued to the respondents to the effect that the respondents shall regularise the applicants in the said OA against the available post in their respective offices where they had been working in accordance with the reservation roster for OBC and as per the DOP&T Scheme dated 10.9.93

4. The applicants submit that since they are also similarly situated persons and similar reliefs they are seeking against the same respondents and since some vacancies had become available, so the respondents be directed to fill up vacancies from the local units.

5. It was also submitted that the DOP&T Scheme of 10.9.93 also envisages the regularisation in the same unit so it is illegal if a combined seniority list of all



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the workers on all India basis is issued and the temporary status people are asked to be regularised in different units. Thus it is prayed that the respondents be directed to regularise the applicants as Group 'D' employees against all the vacancies which had fallen vacant from time to time. According to the seniority of the applicants it should be declared that the respondents' action of regularisation on the basis of inter se seniority list is illegal.

6. The respondents are contesting the OA. They have filed their counter-reply. The respondents submit that a lot of litigation had been going on for regularisation of casual workers. One set of such persons is Ram Dhan and 25 others who had also filed an OA 1826/91 wherein directions were issued to consider the regularisation of the applicants in the Group 'D' posts arising in the Ministry of Information and Broadcasting including its offices in Delhi and consider their regularisation in such vacancies in accordance with their respective length of service and in case no vacancies exist in the Ministry of I&B and its offices in Delhi then the applicants should be adjusted against vacancies of Group 'D' staff in other ministries/departments/attached/subordinate offices for appointment in accordance with the scheme.

7. Similarly another set of 26 casual labourers filed OA 1079/95 wherein also directions were issued to regularise/adjust the applicants against Group 'C' posts as per OA 1826/91 and in view of these judgments the respondents have stated to make efforts to locate vacancies in other media units also that is why a combined seniority list was prepared. So even media



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units working outside Delhi were also directed to look for vacancies of casual workers and to anticipate where vacancies are likely to occur and only then appointments can be made. So a total of 43 persons out of combined seniority list had been regularised.

8. It is admitted that Charan Singh and other filed a case at Principal Bench, New Delhi challenging the order issued by Films Division, Mumbai calling them for interview at New Delhi for interview to be held at New Delhi on 2.6.2000 for considering suitability for appointment to the post of Mazdoor, Peon, Packer etc. so it is submitted that the respondents are thus making serious efforts to implement the regularisation of casual labourers by virtue of the seniority as reflected in the combined inter se seniority.

9. I have heard the learned counsel for the parties and gone through the records of the case.

10. The learned counsel for the applicants submitted that as per the DOP&T Scheme of 10.9.93 the applicant cannot be asked to go from one unit to another. Besides that he has submitted that on the basis of the judgment given in Charan Singh's case (Supra) by the Full Bench of the Tribunal, the respondents are bound to regularise the persons as per the seniority maintained at unit based system.

11. The learned counsel for the applicants submitted that in view of the judgments given in Charan Singh's case (Supra) wherein the respondent had been directed to regularise the applicants in their respective offices where they had been working in accordance with the reservation roster for OBC and as per the DOP&T Scheme dated 10.9.93.

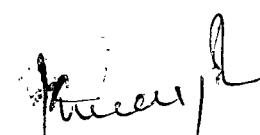


12. As regards the earlier judgments are concerned, the court has also found that when the earlier orders were passed in the OA by that time the scheme of 10.9.93 had not come into operation so that type of order was passed.

13. However, since the judgment given in Charan Singh's case is with regard to similar situated person so the same is binding on this court and I have no reason to differ with same since the same is in line with the DOP&T Scheme dated 10.9.93.

14. Hence, in view of the facts and above discussion I hold that the applicants are also entitled to the same relief and the respondents are directed to regularise the applicants against the available post in their respective offices where they had been working in accordance with the DOP&T Scheme and as per the reservation roster etc.

14. The OA is disposed of with the above directions. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

/Rakesh