

(13)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 3159/2001
MA 2585/2001

this the day of 25th February, 2003

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

1. Bijender Singh,
S/o Shri Ram Phal Singh,
R/o T-754/E, Baljit Nagar,
Prem Nagar Road,
New Delhi-110 008.
2. Devender Kumar,
S/o Shri Badri Prasad,
R/o H-64, D.M.S. Colony,
Patel Nagar,
New Delhi-110 008.
3. Sanjay Kumar,
S/o Shri Radhey Shyam,
R/o T-754/E, Baljit Nagar,
Prem Nagar Road,
New Delhi-110 008.
4. Naresh Kumar,
S/o Shri Shriom Prakash,
R/o T-754/E, Baljit Nagar,
Prem Nagar Road,
New Delhi-110 008.
5. Sashpal Singh,
S/o Shri Rammehar,
R/o T-754/E, Baljit Nagar,
Prem Nagar Road,
New Delhi-110 008.
6. Naresh Kumar,
S/o Shri Ram Phal Singh,
R/o T-754/E, Baljit Nagar,
Prem Nagar Road,
New Delhi-110 008.

*Yeshpal Singh instead of
Sashpal Singh
(Corrected file dated 25/4/03)*

*ofm
29/4/03.*

...Applicants

(All working as Daily Rated Mates in D.M.S. Patel Nagar,
New Delhi.)

(Service of all notices to the applicants on the following
address:

Satya Mitra Marg, Advocate,
113-C, DDA LIG Flats, Motia Khan,
New Delhi.

(By Advocate: Shri S.M. Garg)

Versus

1. Union of India through
the Secretary,
Ministry of Agriculture,
(Department of Agriculture and
Animal Husbandary and Dairy),
Krishi Bhawan, New Delhi.
2. The General Manager,
Delhi Milk Scheme,

(14)

(2)
Patel Nagar, New Delhi. ... Respondents.
(By Advocate: Ms. Chetna Rao for Sh. A. K. Bhardwaj)

ORDER (ORAL)

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

By filing this OA, applicants seek following reliefs:

"(a) call for the records of the case;

(b) declare that the practice of respondents in giving artificial breaks to the daily rated/Badli workers is illegal and unconstitutional;

(c) declare that the action of the respondents in not transferring the Applicants to the regular establishment immediately on completion of 240 days (including Sundays and other paid holidays) by them and instead discontinuing their services and further retaining their juniors and employing fresh persons in their place, is not only arbitrary, unjust and violative of Articles 14 and 16(1) of the Constitution but the same also amounts to retrenchment under Section 2(oo) of the Industrial Disputes Act, 1974;

(d) pass an order directing the Respondents to transfer the Applicants to the regular establishment of Delhi Milk Scheme by giving them the benefit of the Certified Standing Orders and the directions issued by this Hon'ble Tribunal by Judgement and order dated 11th January 1999 in O.A. No. 2958/97 and judgement and order dated 2nd August 1991 in Original Application No. 948 of 1988 etc. and judgement and order dated 10th August 1989 in O.A. No. 37/88 from the date they have completed 240 days (including Sundays and other paid holidays);

(e) pass an order directing the Respondents to accord to the Applicants all benefits/facilities at par with their counter-parts in their regular establishments;

(f) pass such further or other orders which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case."

2. Applicants, who are working as Badli Workers in Delhi Milk Scheme seek transfer to the regular

establishment.

3. By an order dated 30.9.2002 in CWP 1332 Hon'ble High Court of Delhi upheld the decision of the Tribunal wherein same relief has been accorded to the petitioners therein. It is not disputed that the present OA is in all fours covered by the ratio laid down in Ravinder Bhatt and Ors. Vs. Union of India and Another in OA 3300/2001 decided on 4.2.2002, which was disposed of with the directions to the respondents to count the period of actual working days of the applicants (Badli Workers) and also add the number of weekly offs and three National holidays in the number of actual working days of the applicants if not already counted and out of those workers who are found to have completed 240 days then in accordance with the provision of para 4 (iii) of the Standing Orders, the said Badli Worker shall be transferred to the regular establishment. However, applicants shall not be entitled for any backwages.

4. The aforesaid directions have also been reiterated in OA 1136/2001 decided on 19.12.2001 in Manoj Kumar and Ors. Vs. Union of India (copy of the order taken on record).

5. Accordingly OA is allowed in terms of orders passed in OA 3300/2001.

6. This process shall be carried out and completed by the respondents within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju

(Shanker Raju)
Member(J)

/kd/

OA disposed of
12/12/02
Shanker Raju


5.
25-4-2003
MA 919/2003
OA 3159/2001

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Present : Sh. S.M.Garg, ld. counsel for the applicant.

Applicant through MA 919/2003 seeks correction of the name of applicant No.5 which has been mentioned in the OA as Sashpal Singh whereas his name is Yashpal Singh.

2. - Registry is directed to correct the name of applicant No.5 in the memo of parties and thereafter to issue a correct copy of the order dated 25-2-2003. Accordingly M.A. is allowed.^h


(SHANKER RAJU) .
MEMBER (J)