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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.754/2001

New Delhi, this the 15th day of October, 2001

HON'BLE MR. SHANKER RAJU, MEMBER (J)

Shri Vijay @ Vijay Pal S/o Sh. Raj Singh
Resident of E-118, Mansa Ram Park,
Uttam Nagar, Najafgarh Road,
New Delhi-110059.

... Applicant

(By Advocate: Shri V.P. Trikha)

V E R S U S

1. Director General, Employees State Insurance
Corpn.
Kotla Road, New Delhi-110002.
2. Director, Meidcal, Employees State Insurance
Corporation
E.S.I. Hospital Complex, Bassai Darapur,
Ring Road,
Delhi-110015.
3. Medical Supdt. Employees State Insurance
Corporation,
E.S.I. Hospital Complex, Bassai Darapur,
Ring Road,
Delhi-110015.

... Respondents

(By Advocate: Shri G.R. Nayyer)

O R D E R (Oral)

Heard Shri V.P. Trikha, learned counsel for the applicant and Shri G.R. Nayyer, learned counsel for the respondents.

2. The claim of the applicant is that he is working as casual Sweeper and had completed more than 1,000 days and had approached this Court earlier in OA No.1918/1999. By an order dated 11.10.2000 in OA No.1918/2000, without giving any findings on merits, directions have been issued to the applicant to make a detailed representation and the respondents were also directed to consider the representation to be submitted

by the applicant in accordance with the relevant Rules and instructions and disposed of the same, by passing a detailed and reasoned order in accordance with law. The applicant had submitted his representation on 11.11.2000 to the respondents and the same has been rejected by the respondents by an order dated 13/15.2.2001.

3. The learned counsel of the applicant vehemently contended that there has been contumacious and willful disobedience of the directions of this Court, as the representation has been disposed of without passing a detailed, reasoned and speaking order and without going into the relevant provisions of DOP&T Instructions issued in 1993 which stipulate that having completed 240 days on casual basis, the incumbent is entitled for consideration for accord of temporary status. The learned counsel also stated that several other Sweepers have been accorded temporary status by the orders of this Court in OA Nos. 1811/99 with 1812/99 and 511/2000. He further stated that the applicant is continuing on casual basis as a Sweeper and has completed more than 1,000 days and thus, he is entitled for accord of temporary status and regularisation thereafter.

4. Strongly rebutting the contention of the learned counsel for the applicant, the learned counsel for the respondents stated that the claim of the applicant has been considered in accordance with the Rules and instructions and keeping in view the directions of this Court (supra) and having found not fit for accord of temporary status, the request of the applicant has been

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rejected. It is also stated that due to absenteeism of the regular sweepers, substitute (Badli) sweepers were being engaged on daily wages to ensure cleanliness in the hospital. The directions of this Court in various OAs (supra) have been complied with by according temporary status to the applicant(s) therein. After according the temporary status, the respondents have only 88 posts of Sweepers on regular basis and 15 posts sweepers on temporary basis. Out of 103 posts of Sweepers 98 posts are sanctioned posts. It is also stated that these persons are working over and above required man power. It is contended that since the posts are available with the respondents, the claim of the applicant would be considered for regularisation.

5. Having regard to the rival contention of the parties and the fact that the applicant is continuing for more than 1,000 days as a Sweeper on casual basis, I find that he is entitled for consideration for accord of temporary status as per the instructions issued by the DOP&T in 1993, the minimum requirement criteria being 240 days service on casual basis. The applicant is also continuing to work on casual basis as Sweeper. As regards regularisation is concerned, the same depends on the availability of posts. As the respondents have clearly & categorically made a statement that as against 98 sanctioned posts 88 are on regular basis and 15 are on temporary basis, the claim of the applicant would be considered as and when the respondents will have

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sufficient posts for regularisation of the applicant in Grade 'D' post on the ratio 1:2 as envisaged in this case.

5. In the result, the present OA is partly allowed with the directions to the respondents to accord temporary status to the applicant having worked more than 1,000 days. As far as the regularisation is concerned, that would be considered subject to the availability of post with the respondents as per DOP&T's instructions issued in 1993. The aforesaid direction shall be complied with by the respondents within a period of two months from the date of receipt of a copy of this order. No costs.



(SHANKER RAJU)
MEMBER (J)

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