

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 121/1999

New Delhi this the 17th day of July, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Rais Ahmed Khan,
S/O Mohd. Yusuf Khan,
Badli Worker,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110008

.. Applicant

(None for the applicant)

Versus

1. Union of India,
through the Secretary,
Ministry of Agriculture,
Deptt. of A.H. & Dairying,
Krishi Bhawan,
New Delhi-1

2. The General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-8

.. Respondents

(None for the respondents)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant has filed this application praying for regularisation in the post of Mate, which, according to him is to be governed by the Fundamental and Supplementary Rules.

2. The relevant facts of the case are that the applicant was appointed as a Badli Worker in the office of Respondent 2. He has stated that he had completed 240 days of service in a period of one year and, therefore, he became entitled for being brought on ^{the} regular establishment of Mates but necessary action in this regard has not

js

been taken by the respondents. He has also referred to his having been implicated in a criminal case in District Sultanpur(UP) falsely and remained in judicial custody. He was acquitted in the criminal case in 1998 and thereafter he was reinstated in the office of Respondent 2 in February, 1998. He has relied on the judgement of the Tribunal in D.M.S. Employees Union Vs. UOI & Ors. (ATR 1988(1) CAT P.183) which has been referred to in the OA. According to him, he states that he has satisfied the conditions of the Certified Standing Orders for being transferred to the regular establishment of Mates to be governed by the FR and SR. He has stated that he had made a representation in writing, in addition to ~~the~~ verbal requests to the respondents for ^{for regularisation} consideration/, but they have not given him any reply. Copy of this representation dated 15.6.98 has been given at Annexure A-5 and this O.A. has been filed on 13.1.1999.

3. The respondents in their reply have submitted that the OA is grossly premature, as the applicant after having represented for ~~his~~ regularisation on 15.6.98 has straightway rushed to the Tribunal without waiting for a decision of the competent authority on his request. I am unable to agree with this contention because the applicant has filed this application nearly six months thereafter,

13/

thereby giving ~~him~~¹⁰ sufficient time to the respondents to consider his request/representation which they have not done. The respondents have ~~further~~ submitted that they are aware of the Rule position and are anxious to extend the benefit to the applicant but at that time when they filed their reply in August 1999, there was no regular vacancy of Mate. They have further stated that the applicant's case is very much under constant attention and will be considered as expeditiously as possible as soon as ^a regular post of Mate becomes available. They have also stated that the Rules provide for the transfer of Badli worker to regular establishment. In the circumstances they have stated that the applicant should bear with the administration so that the matter could be examined expeditiously as per the rules as well as administrative feasibility, eligibility, suitability and necessary legal formalities.

4. It is noted that the applicant has not filed any rejoinder to rebut the contentions of the respondents in their reply. None has also appeared on behalf of the applicant even though the case was called out twice. In the circumstances, it is not clear what is the present position of the applicant, during the pendency of this OA. ^{the} As reply has

182

11

been filed by the respondents on 20.8.1999. What further action has been taken by them by way of regularisation of the applicant's services as Mate, or when a vacancy had arisen is not on record.

5. In the above facts and circumstances of the case, the OA is disposed of with a direction to the respondents that as and when a regular vacancy of Mate arises, they shall consider the case of the applicant in accordance with the rules and regulations, subject to his fulfilment of the terms and conditions laid down in the rules/regulations and intimate the decision to the applicant immediately.

No order as to costs.



(Smt. Lakshmi Swaminathan)
Member (J)

sk