

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

23

OA No.1302/99
WITH
OA No.1306/99
OA No.1543/99
OA No.1962/99

New Delhi, this the 4th day of the May, 2001

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

OA No.1302/99

1. Gurminder Singh
s/o Sri Harbhajan Singh
r/o J-2/13, Rajauri Garden,
New Delhi.
2. Baldev Raj
s/o Sri Chiranji Lal
r/o House No: D-4/65 Nehru Academy
Vashisht Park, Opp. Janak Cinema
Janakpuri,
Delhi.
3. Narendra Kumar
s/o Sri Chiranji Lal
r/o J-2/13, Rajouri Garden,
New Delhi.

...Applicants

V E R S U S

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi.
2. Chief General Manager
Dept. of Telecommunications,
Sector -34 A,
Chandigarh.
3. General Manager, Telecom
Dept. of Telecommunications,
Ferozpur Cantt.
Ferozpur.
4. Sub-Divisional Officer (Phones)
Dept. of Telecommunications,
Telephone Exchange, Moga.
5. Sub-Divisional Officer (Telecom)
Dept. of Telecommunications,
Telephone Exchange, Jira,
Dist. Ferozpur.
6. Sub Divisional Officer (Group)
Dept. of Telecom,
Telephone Exchange; Moga.

... Respondents

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OA No. 1306/99

Shravan Kumar
 s/o Amarnath
 r/o C-17 A Railway Colony,
 Lajpat Nagar,
 Jangpura Road,
 New Delhi-110024.

...Applicant

V E R S U S

1. Union of India,
 through its Secretary,
 Ministry of Communication,
 Department of Telecommunication,
 Sanchar Bhawan,
 New Delhi.
2. Chief General Manager
 Dept. of Telecommunications,
 Sector -34 A,
 Chandigarh.
3. General Manager, Telecom
 Dept. of Telecommunications,
 Ferozpur Cantt.
 Ferozpur.
4. Sub-Divisional Officer (Phones)
 Deptt. of Telecom.
 Telephone Exchange,
 Kotkapura
 Dist. Faridkot.
5. Sub-Divisional Officer (Phones)
 Dept. of Telecom
 Telephone Exchange,
 Mukhsar
 District Mukhsar.

... Respondents

OA No. 1543/99

Sarabjeet Singh
 s/o Gurdeep Singh
 r/o Plot No: B-5
 House No:265,
 Sector - 3,
 Rohini,
 Delhi -110085.

...Applicant

V E R S U S

1. Union of India,
 through its Secretary,
 Ministry of Communication,
 Department of Telecommunication,
 Sanchar Bhawan,
 New Delhi.

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2. Chief General Manager
Dept. of Telecommunications,
Sector -34 A,
Chandigarh.
3. General Manager, Telecom
Dept. of Telecommunications,
Ferozpur Cantt.
Ferozpur.
4. Sub-Divisional Officer (Telecom)
Dept. of Telecommunications,
Telephone Exchange,
Faridkot-157 203.

... Respondents

OA No. 1962/99

Pritpal Singh
s/o Shamsher Singh
r/o W-Z-697 Rani Bagh,
Rishi Nagar,
Delhi -110034.

... Applicant

V E R S U S

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi.
2. Chief General Manager
Dept. of Telecommunications,
Sector -34 A,
Chandigarh.
3. General Manager, Telecom
Dept. of Telecommunications,
Ferozpur Cantt.
Ferozpur.
4. Sub-Divisional Officer (Telegraphs)
Dept. of Telecom Telephone Exchange,
Mukhsar

... Respondents

Mrs. Rani Chhabra, Counsel for the applicants in all
the above cases.

Shri K.R. Sachdeva, Counsel for the respondents in
all the above cases.

ORDER

By Shri KULDIP SINGH, Member (J):

By this common order I will decide the four

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OAs bearing No.1302/99, 1306/99, 1543/99 and 1962/99 as the issue involved in all these cases are identical.

2. Facts, as alleged in brief are that the applicants in these OAs were engaged for different periods from March, 1994 to June, 1999 as casual drivers and despite the fact that they have worked for sufficient long period, the respondents-department in violation of the departmental rules and directions of the Hon'ble Supreme Court and to deny them their legitimate rights some times paying them through contractor and then instead of regularising them, the respondents have disengaged them in the month of May-June, 1999 vide order orders so the applicants in all these cases have prayed as follows:-

(a) To quash the oral order of termination.

(b) To regularise them in service.

(c) To confer them with temporary status.

3. The OAs are being contested by the respondents. They pleaded that all these applicants had been working as casual drivers either on contract basis or through contractor so their services cannot be regularised.

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4. It is further pleaded that all these applicants (drivers) were never engaged as casual labourers Group 'D' as claimed by them. Right from the first day they had been performing the work of driving the vehicles. It is also pleaded that since the recruitment of Vehicle driver (group 'C' post) is regularised by Recruitment Rules so no one can be regularised in violation of the Recruitment Rules to the post of driver.

5. Shri K.R. Sachdeva, counsel appearing for the respondents have referred to various judgments such as OA 2128/99 - Gurdev Singh Vs. U.O.I. & Others, OA 1760/99 - Jaswinder Singh Vs. U.O.I. & Others, OA 1798/99 - Jiwanand Vs. U.O.I. & Others and OA 1360/99 - Sukhpal Singh Vs. U.O.I. & Others.

In all these cases the similar relief was being claimed on similar facts and based on the judgment given by the Chandigarh Bench of the Tribunal in the case of Ram Pal Singh and Others Vs. Union Territory of Chandigarh through Secretary to Government, Department of Engineering, Chandigarh Admn. and Others, all these OAs were dismissed.

6. In reply to this, the learned counsel appearing for the applicants submitted that the applicants may be considered for group 'D' post and be conferred with temporary status and regularised in group 'D' post. The counsel for the applicant has

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also referred to a judgment given in OA No. 878/2000

- Ishwari Dutt Malkani Vs. U.O.I. & Others, and submitted that though in that case Ishwari Dutt Malkani was also engaged through contractor but still the direction had been given by this Tribunal to re-engage him.

7. I have considered the rival contention of the parties. As far the fact about the engagement of the applicants are concerned, there is no dispute that all these applicants were engaged as drivers and not as casual labourers, who are covered by the DOPT Scheme of 1993 with regard to the casual labourers. Hence, I find that this court cannot take a different view from which has been consistently taken by the different Benches of the CAT and referred to by the learned counsel for the respondents, since those judgments are binding on this Tribunal. So keeping in view the judgments and the law which is binding, all the OAs have no merits and the same are dismissed. No costs.

Let a copy of this order be placed in all the four case files bearing OA Nos. 1302/99, 1306/99, 1543/99 and 1962/99.


(KULDIP SINGH)
MEMBER (J)

Rakesh