

Central Administrative Tribunal, Principal Bench

Original Application No. 1337 of 1999

New Delhi, this the 15th day of September, 2000

Hon'ble Mr. Govindan S. Tampi, Member (Admnv)

Kiran Pal Singh, S/o Shri Kartar Singh,
Jhuggi No.5/34/435, Double Storey
Corporation, Mehar Chander Market, Lodhi
Road, New Delhi-110003. - Applicant

(By Advocate Shri B.S. Jain)

Versus

Union of India Through :

1. The Secretary to the Govt. of India,
Ministry of Information & Broadcasting,
Shastri Bhavan, New Delhi-110001.
2. The Director General, All India Radio,
Akashvani Bhavan, Parliament Street New
Delhi-110001.
3. The Chief Engineer (North zone), All
India Radio & Doordarshan, Jamnagar
House, Shahjahan Road, New Delhi-110011 - Respondents

(By Advocate Shri Gajendra Giri)

O R D E R (Oral)

In this case the applicant has been working as Safaiwala with the All India Radio on a work-charged establishment from 1988 onwards on monthly salary in a prescribed scale of pay with attendant benefits. His initial appointment was made for a period of three months which was extended from time to time. However, his services have not been regularised with the result there is an apprehension on him that he can be thrown out of the job at any time and he will not be entitled to any pensionary benefits. The prayer of the applicant is that he should be granted temporary status as soon as he had completed 240 days of service and thereafter his services should be regularised so that he would get pensionary benefits for the service rendered by him.

2. Shri Giri, learned counsel for the respondents states that the services of the applicant could not be regularised as he is working on a project. He further states that though the project has been in existence for the last 12 years regular posts as such have not become

available and, therefore, he could not be considered for regularisation. Shri Jain, learned counsel for the applicant contested the same and states that the Scheme framed by the Govt. of India in 1993 for grant of tempoary status and regularisation should be made applicable to the applicant in view of the decision of the Hon'ble Supreme Court in the case of State of Haryana Vs. Piara Singh, (1992) 21 ATC 403. This was not accepted by Shri Giri, as according to him the Scheme referred to by Shri Jain related to casual employees and not to those on work charge establishment, to which the applicant belongs.

3. Shri Giri, after taking instructions from the respondents, states that a regular vacancy is likely to arise in the next year on account of superannuation and the applicant will be considered for regularisation against the said vacancy.

4. I have given careful consideration to the matter. The facts of the case have not been disputed by the respondents. The applicant has been working with the respondents for the last 12 years. His services could not be regularised because he is working on a project. At the same time, the respondents do not deny the right of the applicant for regularisation at proper time. In the circumstances, I feel that the ends of justice would be adequately met if a direction is given that in the first available regular vacancy the applicant be adjusted and that till such time he shall not be dis-engaged keeping in mind his earlier service

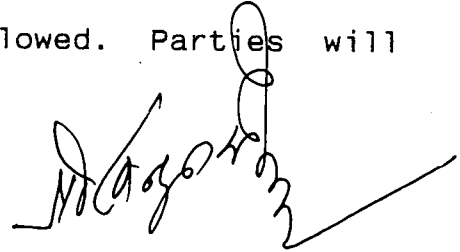
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also. The grant of temporary status, sought by the applicant may also be examined in accordance with the rules/ instructions governing it.

5. The OA is accordingly allowed. Parties will bear their own costs.



(Govindan S. Tampi)
Member (Admnv)

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