

CNTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1391/99

New Delhi this the 17th day of February, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN

Shri Dharambir,  
S/o Shri Mohan Lal,  
H.No. Q-24, Srinivasपुरi,  
New Delhi.

...Applicant

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(By Advocate Sh. S.M. Garg)

-Versus-

1. Central Public Works Division,  
through its Director General,  
Nirman Bhawan,  
New Delhi-110 011.
2. The Executive Engineer (Electric),  
Electrical Construction Division-3,  
CPWD, Pushpa Bhawan,  
New Delhi.

...Respondents

(By Advocate Shri S.K. Gupta)

O R D E R (ORAL)

The applicant has been discharging the duties of Motor Lorry Driver. The only relief claimed by him is to consider him for regularisation in the post of Lorry Driver, which is in Group "C".

2. It is the case of the applicant that he has been working in the CPWD since 1990 as Lorry Driver, having been sponsored by the Employment Exchange and posted in Electrical Construction Division-6 CPWD. Thereafter he was transferred to Electrical Construction Division 3. Thus, the applicant says that he has completed more than 240 days as a Driver and in fact he had worked for about 10 years. The grievance of the applicant is, therefore, to consider his case for temporary status as well as for regularisation.


CAA

3. The learned counsel for the respondents, however, contends that he is not entitled to temporary status as he has been working in Group 'C' post and the OM dated 10.9.93 is applicable only to Group 'D' employees.

4. It is next contended that since a ban has been imposed on regularisation, the applicant cannot be considered at present for regularisation.

5. Heard the learned counsel for the applicant and the respondents. A reading of the OM dated 10.9.93 make it manifest that it is applicable only to the Group 'D' employee for the grant of temporary status. The applicant, admittedly, is working as a Driver, which is a Group 'C' post. Hence, the applicant is not entitled for grant of temporary status. Since the applicant was engaged after the imposition of the ban on engagement of casual labourers and the Government has not taken any decision to regularise such workers the applicant cannot get any relief immediately. The respondents are, however, directed to consider the case of the applicant for regularisation, as he has been working for more than 10 years, in the post of Motor Lorry Driver, after the ban is lifted.

6. The O.A. is accordingly disposed of. No costs.

  
(V. Rajagopala Reddy)  
Vice-Chairman (J)

"San."