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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1550/1999

New Delhi, this 15th day of November, 2000

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P. Singh, Member(A)

1. All India CPWD (MRM) Karmachari
Sangathan (Regd.)
through its President Shri Satish Kumar
34-D, DIZ Area, Sector 4, Raja Bazar
New Delhi
2. Sambhu Nath
Beldar
H Division, CPWD
Mahadeo Road, New Delhi .. Applicants

(By Shri Shankar Divate, Advocate)

versus

Union of India, through

1. Secretary
Ministry of Urban Affairs & Employment
Nirman Bhavan, New Delhi
2. Director General of Works
CPWD, Nirman Bhavan
New Delhi . Respondents

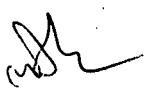
(By Shri A.K.Bhardwaj, Advocate)

ORDER

By Shri M.P. Singh

Heard the learned counsel for the parties and
perused the records.

2. The issue that is to be determined in the present OA
lies on a short compass inasmuch as that the applicant
No.2 and other similarly situated employees like him,
who are the members of Applicant No.1 Sangathan seek
regularisation of their services from the dates they
became eligible for the same along with other
consequential benefits as are applicable to all Central
Government employees.



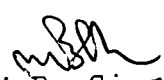
3. Brief facts as contended by the applicants leading to the present application are that the applicants, details of which are given at Annexure 1 to the OA, have been engaged on Muster Roll in the office of CPWD invariably between 1981 and 1991 for discharging the duties of Wireman, Khalasi, Mason, Beldar, Motor Lorry Driver, Malis, Pump Operator, Peon etc. but they have not been regularised so far. Some of the workers of CPWD approached the Hon'ble Supreme Court through Writ Petition No.563-70/83 (Surinder Singh & Ors.) which was disposed of the apex court with the observation that the Government would take appropriate action to regularise the services of all those who have been in continuous employment for more than six months. R-2 also issued instructions in August, 1988 (Annexure 4) to all the officers concerned to scrutinise the service records of all eligible Muster Roll workers of CPWD and to finalise their trade test etc. for completing the task of regularisation. The respondents have regularised services of 91 employees on different dates but have not taken any steps to regularise the services of the employees on whose behalf this application has been filed. The regularisation in service should be done with effect from the date of completion of one year service as laid down under the statutory instructions issued in the past. Aggrieved by the inaction on the part of the respondents, applicants have approached this Tribunal seeking directions to the respondents to grant the applicants (as per Annexure 1) the same pay and other benefits as are admissible to the regular employees from the date of their initial appointment with all consequential benefits.

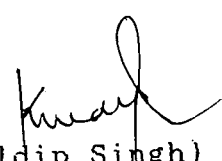
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4. Respondents have contested the claim in their counter reply. Citing the law laid down by the apex court in the case of Central Welfare Board Vs. Anjali Bepari [1996(1) SC SLJ 316] and State of Haryana Vs. Jasmer Singh, [1997(1) SLJ 129] they contend that regularisation and continuance cannot be claimed unless the vacancies are available and juniors are retained and that daily wagers cannot claim salary at par with regular incumbents. They would further contend that the applicants have not mentioned the category or particulars of the employees for whose benefit the OA is filed. Learned counsel for the respondents also submitted that the applicants are working not only as casual labours but also as Mason, Motor Lorry Driver, Pump Operator etc. which belong to artisan category. There are specific Recruitment Rules for each category and the vacancies in these categories are required to be filled up after passing certain trade tests in accordance with the rules. We are not inclined to agree with this argument. As mentioned earlier, the details of employees for whom the relief is sought are given in Annexure 1 to the OA. This is because respondents have themselves furnished the particulars with their reply filed on 9.5.2000 available at page 41-42 of the paper book. It is further mentioned herein that all of them who were engaged between the period from 1981 to 1991 are still continuing. This is proof enough to show that the work is of regular nature for which the applicants have been engaged and is still available with the respondents.



5. In the circumstances, we feel it is a fit case for disposing of the OA with appropriate directions to the respondents. We do so accordingly. We direct the respondents to verify the particulars given by the applicants and consider regularisation of their services in their turn from the dates vacancies are available in accordance with the rules and instructions on the subject issued by the Government from time to time. There shall be no order as to costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

/gtv/