

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

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

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New Delhi, this the 4<sup>th</sup> 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)  
Deptt. 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,  
Rohni,  
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)  
Deptt. of Telecommunications,  
Telephone Exchange,  
Faridkot-157 203.

... Respondents

OA No. 1962/99

Pritpal Singh  
s/o Shamsheer Singh  
r/o W-2-697 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.

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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

*for*

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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

*Original judgement placed in OA 1302/99.*

*Attal*  
*b.c. Srivastava*  
*8.5.2001*  
*P.O. CV*