

14

Central Administrative Tribunal
Principal Bench

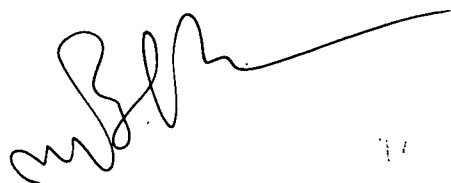
O.A. 2488/1999

New Delhi, this the 11th day of October, 2000.

Hon'ble Mr. M.P. Singh, Member (A)

In the matter of:

1. Sri Laxman
s/o Birbal,
r/o Village Hasanpur Rajapur
Post Kalina,
Dist. Meerut.
2. Sri Ashok Kumar
s/o Hira Lal
r/o House No: 421
Raj Mohalla Topkhana
Meerut Cantt.
3. Sri Jai Singh
s/o Shri Nanak Chand
r/o village Murlipur Ful
Post Murlipur Ful
Dist. Meerut.
4. Sri Rajesh Kumar Sharma,
s/o late Sri Jai Bhagwan Sharma,
r/o 63 Moripada
Dist. Meerut.
5. Sri Gangasharan
s/o Nathu Singh
r/o New Basti Lallapura,
Post Kishanpura
Dist. Meerut.
6. Sri Sombir Singh
s/o Chinwar Singh
r/o 452, New Govindpuri
Kankarkhera
Meerut Cantt.
7. Sri Satyavir Singh
s/o Shri Vishambar Singh
r/o Village Aalamgeerpur Badla-12
Qilla Parikshitgarh
Dist. Meerut.



15

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8. Sri Jogindra Kumar
s/o Sri Durjan Singh
r/o Village Jahangeerpur
post Faridnagar
Dist. Ghaziabad.
9. Sri Brijesh Kumar
s/o Sri Omprakash
r/o Jhuggi Opposite Badi Masjid
Topkhana
Meerut Cantt.
10. Sri Bijendra Pal Singh
s/o Prabhati Lal
r/o Vill. Goynakhas
Dist. Ghaziabad.
11. Sri Surendra Pal
s/o Sri Charandas
r/o House No: 113/A Prahlad Nagar
Behind Greeva Bhawan,
Police Station Lisadi Gate
Meerut City.
12. Sri Pramod Kumar
s/o Nathu Singh
House No: 430/14 Brahampuri
Gautam Nagar,
Meerut.

(By Advocate: Mrs. Raji Chhabra) Applicants.

Versus

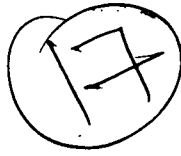
1. Union of India,
through its Secretary,
Ministry of Defence
South Block,
New Delhi.
2. The Chief Controller General
Defence Account
R.K. Puram,
West Block - 5
New Delhi.
3. The Controller of Defence Accounts
Meerut Cantt, U.P.

(By Advocate: Sh. H.K. Gangwani) ... Respondents.





1. The applicants have filed this OA under section 19 of the Administrative Tribunal Act 1985 for regularisation of their services in Group 'D' posts.
2. Brief facts of the case are that the Controller of Defence Accounts (R-3) engaged the applicants on different dates in the years 1988-90. Department of Personnel and Training (DoP&T, for short) framed a scheme known as casual labourer (grant of temporary status & regularisation) scheme. The scheme which came into effect from 1.9.93, provides for conferring temporary status to all casual labourers who had worked in any Government offices continuously for 240 days in a year. In pursuance of the aforesaid scheme the R-3 conferred temporary status to all the applicants on different dates in the year 1994.
3. The persons who were engaged as casual labourers in the Head Office and were also conferred with temporary status alongwith the applicants in the year 1994 stand regularised with all the benefits after a period of three years from the date of conferment of temporary status. The applicants have been discriminated in gross violation of Article 14 and 16 of the Constitution of India. The Hon'ble Apex Court in the case of State of Haryana Vs. Piara Singh (1992) (4) SCC 118 has held that a person who has continuously worked for three years in an organisation deserves to be regularised. According to the applicants, there are number of Group 'D' posts lying vacant and applicants on the other hand have been working continuously on the said posts and awaiting regularisation. They had submitted their representations to R-2 & R-3 requesting them to regularise them. However, they have not yet been absorbed and regularised.




Aggrieved by this, the applicants have filed this OA seeking direction to respondents to regularise them on the posts they have been continuing for more than three years after conferment of temporary status with all consequential benefits.

4. The respondents have contested the case and have stated that the scheme under which applicants are to be considered for absorption does not lay down any time limit for their regularisation. The applicants have been granted temporary status and are availing all concessions allowed in the scheme at par with Group 'D' employees. The applicants could be considered for regularisation against Group 'D' posts available with the office i.e. CDA(Army). Due to reorganisation of CDA(ORs) North Meerut and its merger with the earlier CDA (CC Meerut) to form the present CDA(Army), the number of vacancies ^{8 in} of Group 'D' posts was being worked out and the case for regularisation of such casual labourers was processed earlier. However, there is no condition to get them regularised after completion of three years service. The applicants were assured that their cases are under consideration. In view of the aforesaid submissions made, the instant OA is liable to be dismissed being devoid of merit.

5. Heard the learned counsel for the rival contesting parties and perused the record.

6. The scheme framed by the DoP&T provides for regularisation of casual labourers. The scheme also provides that on regularisation of casual labourers with temporary status, no substitute in his place will be appointed as he was not holding any civil post. Learned counsel for the respondents made a submission that^{the} case of regularisation of all^{the} applicants is under consideration by the department. According to him, there are about 18 regular vacancies. Since the process of regularisation of the casual labourers is a lengthy one and the exact number of vacancies has not yet been worked out, it may take some time to process the case of the applicants for regularisation. According to him, the applicants should have waited for some more time, instead of filing the OA in the Tribunal for their regularisation. With the above position in view, it is a fit case to direct the respondents to consider the regularisation of the applicants expeditiously.

9. For the reasons stated above the OA is allowed and respondents are directed to consider the applicants for regularisation in Group 'D' posts within a period of six months from the date of receipt of a copy of the order. No costs.


(M.P. Singh)
Member(A)

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