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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2679 of 1999

New Delhi, this the 3rd day of October, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

1. Chetan Prakash Tyagi
S/o Shri Ram Kumar Tyagi
R/o House No. 1870
Wazir Singh Street,
Paharganj,
New Delhi.

2. Mchd. Mukhtyar
S/o Mchd. Tahir Hussain
R/o House no. 1870,
Wazir Singh Street,
Paharganj, New Delhi.

-APPLICANTS

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Union of India

through

The Director General,
Central Bureau of Investigation,
CGO Complex, Lodhi Road,
New Delhi-110 003.

2. The Superintendent of Police,
Office of the Superintendent of
Police,
Central Bureau of Investigation,
Training Division,
CBI Academy, Hapur Road,
Ghaziabad (UP).

2. The Director General (Works)
CPWD,
Nirman Bhawan,
New Delhi.

-RESPONDENTS

(By Advocate: Shri D.S. Mahendru)

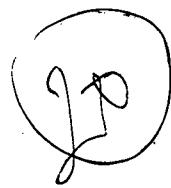
ORDER

By Hon'ble Mr. Kuldip Singh, Member (Judl)

This is a joint application filed by two applicants seeking the following reliefs:-

(i) To direct the respondent to reinstate the

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applicants in service as Plumber and Electrician with all consequential benefits and back wages.

1. (ii) To mandate the respondents to consider the applicants for their regular absorption as Plumber/Electrician with all consequential benefits.

2. The facts, as alleged by the applicants are that the applicants were engaged as Plumber and Electrician in response to a requisition issued by department on 5.1.1996 and they allege that they continued to work there and had completed 240 days of service.

3. It is further stated that the nature of job, which the applicants were performing, is of a perennial nature and a requisition had already been issued to the Head Office for sanction of the post, but instead of regularising them, the respondents had dispensed with their services w.e.f. July, 1996 without issuing any order in written. Aggrieved by this order the applicants had filed an OA wherein the respondents were directed to reinstate the applicant in service subject to availability of work but in spite of the orders, the applicants have not been re-engaged. A CP was also filed which was disposed of with the observation that since the work has been transferred to CPWD so it was open to the applicants to agitate their grievances in accordance with law after impleading the proper and necessary parties. CPWD was not a party at the time of filing of the earlier OA.





4. The applicants further allege that since they were appointed by the CBI as casual worker at Ghaziabad and merely because that work had been taken over by the CPWD that cannot be a reason for not reinstating the applicants so the applicants urge that they are entitled to be reinstated so the respondents be directed to reinstate them.

5. The OA was contested by the CBI as well as by the CPWD. However, after hearing the parties on 22.12.2000, respondent Nos.1 and 2, who represented the Director General of CBI and the Superintendent of Police, CBI were deleted and only respondent No.3 was retained in the array of parties. The respondent No.3 in their reply has stated that the applicants had been engaged by CBI earlier and the maintenance of the building which houses the CBI academy has been transferred to CPWD and as such the respondent No.3 has no responsibility for continuing casual labourers who had been engaged as casual worker prior to taken over work by the CPWD for maintenance and they further stated that since there is a ban of even engagement of casual worker in CPWD, so no work is available, hence it is prayed that the OA be dismissed.

6. I have heard the learned counsel for the parties and gone through the records of the case.

7. Admittedly, when the applicants were engaged in the CBI Academy they were engaged by the CBI authorities, who were in-charge of the academy as it was a new building and the maintenance of the building at

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that time had not been transferred to the CPWD but later on, before that, the services of the applicants had been disengaged. Since the applicants were looking after the maintenance work and maintenance work is no more available with the CBI, so they cannot claim any right of re-engagement against CBI.

8. As regards CPWD authorities are concerned, it is submitted by them that they are not engaging any casual worker as there is a ban and the maintenance work is looked after by the CPWD staff, which shows that there is no vacancy available with the respondents - CPWD on which the applicants could be appointed.

9. In view of the above discussion, I find that no interference is called for and no directions can be issued as no work is available with the respondents. Hence, OA is dismissed. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

/Rakesh