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Central Administrative Tribunal  
Principal Bench

O.A. 429/99  
&  
O.A. 514/99

New Delhi this the 16th day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

O.A. 429/99

1. R.P. Mandal,
2. Rambabu Sharma,
3. Dinesh Kumar,
4. Jai Parkash,
5. Puran Singh,
6. Ram Swarup,
7. Surender Pal,
8. Joginder
9. Sateyandar Singh,
10. Partap Singh,
11. Yogesh Kumar,
12. Gurjeet Singh,
13. Rajesh Kumar,
14. Nizam,
15. Omvir,
16. Mahinder Singh,
17. Shiv Charan,
18. Shoeraaj,
19. Satvir,
20. Smt. Mahmoo Nisa



21. Puran Chand
22. Smt. Bhagwanti
23. Pushparaju
24. A. Anthony
25. K. Kandhaswamy
26. Dharam Singh
27. Gajendar Singh
28. Jamuna Parsad
29. Ganesh
30. Bhulliram
31. Alexandar
32. Hari Ram
33. Davendar Singh
34. Smt. Attro
35. Smt. Hira
36. Smt. Dhanno
37. Surinder Singh
38. Anand Mani
39. Kalyan Singh
40. Birma Devi
41. Prem Wati
42. Kanhaiya Lal
43. Mandan Singh
44. Ram Babu
45. Chandar Kant
46. Jagbir
47. Pop Singh
48. Lok Bahadur
49. C. Cilvan
50. Madan Mutttoo
51. Durga Singh
52. Nirmal Singh
53. Smt. Saroj
54. Smt. Laxmi
55. Munna Lal
56. Kishan Lal
57. Amausy

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58. Partap Singh
59. Padam Bahadur
60. Ram Dayal
61. Smt. Chameli
62. Shammo Devi
63. Tara Devi
64. Mohan Chand
65. Deep Chand
66. Kishan Dai
67. Sona Devi
68. Vidya
69. Sunder Singh
70. Ram Dai
71. Dulari
72. Laxmi Narain
73. Shiela Devi
74. Sona Devi
75. Laxmi
76. Laxmi
77. Om Parkash
78. Ved Parkash
79. Dinesh Kumar
80. Eilam Chand
81. Nanho Devi
82. Devi Lal
83. Raja Ram
84. Pale
85. Raj Kumar
86. Kapoor Chand
87. Tilak Ram
88. Mukesh
89. Raj Pal
90. Mohd. Shajid
91. Indra
92. Vijay Kumar
93. Chandan Singh
94. Somwati
95. Ram Kumar
96. Jai Pal

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97. Dalip Singh
98. Sadhu Ram
99. Davendar Kumar
100. Birender Dutt
101. Satvir
102. Jagat Singh
103. Urmila Devi
104. Davendar Mani
105. Jagdish
106. Manas
107. Shiv Kumar
108. Shaumesh
109. Ganga Singh
110. Prem Parkash
111. Ramesh Chand
112. Roop Singh
113. Panchoo Ram
114. Diwan Singh
115. Narottam Singh
116. Ramesh
117. Vinod
118. Davendar KUMar
119. Satish Kumar
120. Joginder Kumar
121. Parkasho
122. Chameli
123. Chandro
124. Roopwati
125. Suresh
126. Ram Saran
127. Hari Shankar ~~Wadi~~
128. Jagwati Devi
129. Babu Ram
130. Raj Pal
131. Rajit
132. Diwan Ram
133. Ajay Kumar
134. Dharam Singh
135. Ram Niwas

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136. Kagwato
137. Subodh Kumar
138. Jaipal
139. Permanand
140. Shyam Sundar
141. Davendar Kumar
142. Swaran Singh
143. Siya Ram
144. Devideen
145. Jahoor Buksh
146. Satish Kumar
147. Ram Singh
148. Bihari Lal
149. Deb Singh
150. Shiv Kailash
151. Karan
152. Pitambar Dutt
153. Mool Chand
154. Rattan KUMar
155. Surender Chaudhary
156. NALLaswamy
157. Umesh Kumar
158. OMwati
159. Mahendari
160. Narain Singh
161. Amrik Parsa-d
162. Premwati
163. Bhagwati Devi
164. Sanjay Saxena
165. Kashmiri
166. Pushkar Singh
167. Boudh Parkash
168. Jagdish
169. Gajraj
170. Ganga Ram
171. Mahesh KUMar
172. Kishor Joshi
173. Surender

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174. Pitambar
175. Phool Singh
176. Kamlesh
177. Bache Lal
178. Laxman Singh
179. Sahi Ram
180. Shripal
181. Shvistan
182. Ramnand
183. Kandaswamy
184. Annamalai
185. A. Kandaswamy
186. Raidhan
187. Anthony
188. Surendar
189. Bir Singh
190. Thakur Parsad
191. Pali Chandra
192. Kishan
193. Subhash Chand
194. Hari Oam
195. Satish Chand
196. Satbir Singh
197. Raj Karan
198. Mahesh Kumar
199. Smt. Jyoti
200. Smt. Sheela
201. Ravi Shankar
202. Arjun Chaudhary

All C/o R.P. Mandal /  
R/oC-23, Chatra Marg,  
Delhi University Campus,  
Delhi-110007

.....Appellants

By Advocate Dr. Surat Singh with Shri Pradeep Kumar.

Versus

1. Secretary  
Department of Culture  
Ministry of Human Resources and  
Development  
Shastri Bhawan  
New Delhi.

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2. Joint Secretary,  
Department of Ministry of Human  
Resource and Development,  
Shastri Bhawan,  
New Delhi.
3. Addl. Director General Incharge,  
Archeological Survey of India,  
Janpath,  
New Delhi.
4. Superintendent ASI,  
Delhi Circle,  
Safdarjung Tomb,  
New Delhi.

... Respoondents.

By Advocate Shri M.K. Gaur, proxy counsel for Shri R.P.  
Aggarwal.

O.A. 514/99

1. Shri Suresh Kumar,
2. Smt. Dulari,
3. Smt. Parvati,
4. Smt. Sarbati,
5. Smt. Rani,
6. Smt. Kamlesh,
7. Smt. Pan Kumari,
8. Sh. Rakesh Kumar,
9. Sh. Surinder Singh,
10. Sh. Om Prakash,
11. Smt. Angoori,
12. Smt. Jashoda,
13. Sh. Vishal Singh,
14. Sh. Talevar,
15. Sh. Rajesh Kumar.

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16. Sh. Bishan Singh
17. Sh. Subash Chand
18. Smt. Ashrafi
19. Sh. Rohtas
20. Sh. Babulal
21. Smt. Maya
22. Smt. Sumitra Devi
23. Sh. Tej Pal
24. Sh. Sher Bahadur
25. Sh. Paras Nath
26. Sh. Roop Chand
27. Smt. Phoola Devi
28. Sh. Nathu Ram
29. Sh. Chander Veer
30. Sh. Babu Ram
31. Sh. Babu Lal
32. Sh. Eshwar Singh
33. Sh. Kishan
34. Smt. Satya Prabha

All C/O Shri Suresh Kumar, S/o Shri Ramji Lal, R/o House No.D-45  
Mathura Road, New Delhi.

By Advocate Dr. Surat Singh with Shri pradeep Kumar.  
Versus

1. Secretary  
Department of Culture  
Ministry of Human Resources and  
Development  
Shastri Bhawan  
New Delhi
2. Joint Secretary  
Department of Ministry of Human Resources  
And Development  
Shastri Bhavan  
New Delhi

By Advocate Shri M. K. Gaur proxy for Shri R.P. Aggarwal.

ORDER (Oral)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Both the learned counsel submit that as the facts and issues in the aforesaid two Original Applications are identical, so they have been taken up for hearing together and are also being disposed of by a common order.

2. The applicants state that they have been working with the respondents for a number of years, some as much as 10 years yet their services have not been regularised. According to them, all of them have been granted temporary status in 1993 in pursuance of the earlier directions of the Tribunal in O.A. 1290/89 decided on 5.2.1993 (Annexure A-2). Dr. Surat Singh, learned counsel has submitted that in spite of having been conferred with the "temporary status" in terms of the DOP&T Scheme which came into force w.e.f. 1.9.1993, nothing further has been done by way of regularisation of their services against the posts of Group 'D'. With regard to the prayer for a direction to pay the applicants' arrears and consequential benefits in terms of the recommendations of the 5th Pay Commission due from 1.1.1996, learned counsel has submitted that during the pendency of these O.As, the same have been paid. With regard to a direction to the respondents to pay the applicants, as is being paid to the regular employees by way of 'equal pay for equal work' from the very date of joining the job, this claim is untenable because admittedly the applicants are governed by the aforesaid Scheme and there is no dispute that they have been paid in terms and conditions of that Scheme. This claim, therefore, also does not survive. During hearing, it was stated that the arrears of pay in terms of the

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recommendations of the 5th Pay Commission have also been paid in accordance with the Rules and instructions and that claim also does not survive.

3. The respondents in their reply have submitted that they have complied with the orders of the Tribunal in OA 1290/89 by granting "temporary status" to the applicants as and when they became eligible for this benefit. They have further submitted that they had constituted an Expert Committee in pursuance of the directions of the Tribunal dated 7.10.1994 in CP 117/94 in O.A.1290/89. This Committee has recommended that out of 53 posts only 46 posts (25 Sweepers and 21 Beldar/Cooli) Group 'D' are to be filled in accordance with the rules and instructions on the subject and they have already initiated necessary action in this regard. They have, therefore, submitted that only 57 posts of Group 'C' and 'D' have been created as per the recommendations of the Expert Committee and they are considering the claims of 389 casual labourers who have been conferred temporary status and they will regularise these people in due course. Dr. Surat Singh, learned counsel has, however, submitted that the number of posts which the respondents have stated is far too less and it is evident from the fact that they have employed several hundred casual labourers and the need is for far more number of posts. He has also submitted that even by the order dated 28.1.1999 the respondents have granted annual increments to as many as 320 daily wage casual labourers with temporary status, which includes the applicants (Annexure PR-1 to rejoinder filed in O.A. 514/99). Therefore, the learned counsel for the applicants has submitted that a direction may be given to the respondents to reconsider the whole issue and to take steps for creation of more posts so

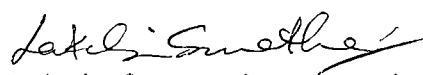
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that a large number of the applicants could be regularised in their service in those posts who are still continuing to work with them.

4. From the facts mentioned above, it is seen that the respondents have granted temporary status to a much larger number of casual labourers than the posts which they have created as Group 'D' against which they could be regularised later on. Prima facie, therefore, there appears to be an imbalance in the number of persons working on temporary status basis as casual workers in terms of the aforesaid Scheme who could be considered for regularisation in Group 'D' posts also under the Scheme. It is, therefore, for the respondents to reconsider the whole issue and if necessary obtain the sanction from the competent authorities for creation of more posts in Group 'D' as it appears from the reply itself that they are, in fact, employing several hundreds of casual labourers who are required for discharge of their responsibilities.

5. The aforesaid O.As (O.A.429/99 and O.A.514/99) are accordingly disposed of with a direction to the respondents to re-consider whether more posts in Group 'D' should not be created in their office, taking into account the facts and circumstances so that the DOP&T Scheme dated 10.9.1993 is more effectively implemented. No order as to costs.

6. Let a copy of this order be kept in O.A.514/99.

  
(Smt. Lakshmi Swaminathan )  
Member(J)

'SRD'