

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

OA 7/1999

(8)

New Delhi this the 27th day of September, 1999  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Mahipal S/O Sh. Madan Singh  
R/O AB-9, Pandara Road, New Delhi.  
working as a Beldar in CPWD,  
Vidhyut Bhawan, New Delhi.

..Applicant

(By Advocate Sh. Chittaranjan Hati )

Versus

1. Union of India through its Secretary,  
Ministry of Urban Development,  
Govt. of India, Nirman Bhawan,  
New Delhi.

2. The Director General (Works),  
C.P.W.D. Nirman Bhawan,  
New Delhi.

3. The Chief Engineer (Electrical),  
(BFL Zone),  
C.P.W.D. Vidhyut Bhawan,  
New Delhi.

..Respondents

(By Advocate Shri R.V. Sinha)

O R D E R (ORAL)

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

Applicant who is admittedly a casual labourer and has been working with the respondents since 21.7.1987 has filed this application seeking regularisation of his services from the date of his initial appointment with consequential benefits.

2. Shri Chittaranjan Hati, learned counsel for the applicant has placed on record the respondents' O.M. dated 21.4.95, which had conferred 'temporary status' on the applicant as casual worker and allowed him to continue in service, in continuance of earlier O.M. dated 18.4.95. Learned counsel for the respondents has submitted that this O.M. granting the applicant temporary status has been passed in terms of the DOP&T OM dated 10.9.1993 which has been referred to in paragraph 2 in the note below. Respondents, however, submitted that the applicant has been employed against a specific temporary nature of job and therefore, he cannot be allowed to claim regularisation.

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This contention of the respondents has to be rejected in terms of their OM dated 21.4.1995 which has been made reference to DOP&T OM dated 10.9.1993. Learned counsel for the applicant also relies on the judgement of the Hon'ble Supreme Court in Union of India and Others vs. Dinesh Kumar Saxena and Others (1995) 3 SCC 401.

3. I have carefully considered the pleadings and the submissions made by the learned counsel for both the parties.

4. The respondents have themselves stated in their OM dated 21.4.1995 that they have conferred temporary status on the applicant as casual worker. Applicant's counsel has also submitted that the applicant is working in Delhi, <sup>1/2</sup> ~~but~~ is prepared to work as labourer in any work assigned to him. It is also noted that the applicant has been working with the respondents since July, 1987. In the facts and circumstances of the case, the application is allowed with a direction to the respondents to consider the case of the applicant for regularisation and granting other benefits due to him under law in accordance with the DOP&T OM dated 10.9.93 and any other relevant instructions on the subject. No order as to costs.

*Lakshmi Swaminathan*

(Smt. Lakshmi Swaminathan)  
Member(J)

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