

Central Administrative Tribunal
Principal Bench

New Delhi, dated this the 28th January, 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

O.A. No. 1343 of 1998

S/Shri

1. Mahabir
S/o Shri Chander

2. Chandgiram,
S/o Shri Maran

3. Baljit
S/o Shri Dilbagh

4. Krishan Gopal
S/o Shri Mohar Singh

5. Jagdishpal,
S/o Shri Khushpal Singh

6. Netrapal,
S/o Shri Chamanlal

7. Gurvachan,
S/o Shri Gagan

8. Minder,
S/o Shri Mangetram

9. Ashok Kumar,
S/o Shri Ram Singh

10. Sukeshwar,
S/o Shri Annu

11. Raghubir Singh
S/o Shri Chander

12. Momraj
S/o Shri Dhare

13. Mahanand Sharma
S/o Shri Nannulal Thakur

14. Ramnand Thakur,
S/o Shri Nageshwar Thakur

15. Jai Mangal Paswan
S/o Shri Keshi Paswan

16. Oam Prakash,
S/o Shri Ramnand

17. Hiram
S/o Shri Mohanlal
(By Advocate: Ms. Asha Tiwari) ... Applicants

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Versus

1. Chief Secretary
Govt. of NCT of Delhi,
Sham Nath Marg, Delhi.
2. The Development Commissioner,
Govt. of NCT Delhi,
5/9 Underhill Road,
Delhi.
3. The Dy. Conservator of Forests,
Govt. of NCT Delhi,
Kamla Nehru Ridge,
Delhi.

... Respondents

(By Advocate: Shri S.K. Gupta proxy counsel
for Shri B.S. Gupta)

O.A. No. 811 of 1998

S/Shri

1. Bipat Rai
S/o Shri Surender Rai
2. Raghbir
S/o Shri Makhanlal
3. Suresh
S/o Shri Surat Singh
4. Ved Prakash
S/o Shri Munshiram
5. Ramchander
S/o Shri Mangeram
6. Ramchander
S/o Shri Jamun
7. Shri Dhanpat
S/o Shri Mangeram
8. Krishan
S/o Shri Chander
9. Azad
S/o Shri Jggaram
10. Umesh Rai
S/o Shri Bihari Rai
11. Durga Prasad
S/o Shri Budhram
12. Smt. Vidya Devi
W/o Shri Bakhtawar
13. Jai Narayan
S/o Shri Bhartu

14. Naresh Kumar
S/o Shri Sher Singh

15. Rohtash
S/o Shri Prabhatilal

16. Budhram
S/o Shri Dhir Singh

17. Vinod
S/o Shri Rampreet

18. Opender
S/o Shri Phudenirai

19. Vihay Singh
S/o Shri Gopi Ram

20. Chandgi
S/o Shri Maduram

21. Khajan Singh
S/o Shri Zile Singh

22. Polinder
S/o Shri Sukhichander

23. Nagender
S/o Shri Parmeshwar

24. Sat Pal
S/o Shri Lakhiram

25. Chandrika
S/o Shri Dev Kishore

26. Paitu Rai
S/o Shri Keshav Rai

27. Rajeshwar
S/o Shri Munnilal

28. Devender Nath
S/o Shri Kanhaiyalal

29. Balbir
S/o Shri Shivchand

30. Ishwar
S/o Shri Dilip

31. Shri Suganpal
S/o Shri Harkesh

32. Smt. Tara
W/o Shri Ishwar

33. Bire
S/o Shri Mangeram

34. Puran
S/o Shri Balbir

35. Zile
S/o Shri Mareram

36. Pratap
S/o Shri Chandgiram

37. Hari Bhushan
S/o Shri Chandgiram

38. Rajkumar
S/o Shri Malki

39. Shyamlal
S/o Shri Balwant

40. Balvant
S/o Shri Pal Singh

41. Kartare
S/o Shri Mehar Singh

42. Ramsogarath
S/o Shri Sukhlu Rai

43. Atmaram
S/o Shri Baljit

44. Dilip
S/o Shri Udmiram

45. Raghbir
S/o Shri Udmiram

46. Attar Singh
S/o Shri Ragraj

47. Mukhiyare
S/o Shri Dulichand

48. Jaikishan
S/o Shri Ranjit

49. Ram
S/o Shri Shera

50. Sunderlal
S/o Shri Tilakraj

51. Sitaram
S/o Shri Baratilal

52. Shiv Narayan
S/o Shri Mangal

53. Suresh
S/o Shri Mangeram

54. Narayan
S/o Shri Haridas

55. Ramswarup
S/o Shri Chotelal

56. Satbir
S/o Shri Mangatram

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57. Banwari
S/o Shri Budhan

58. Karan Singh
S/o Shri Shiaram

59. Lakhan
S/o Shri Ravithakur

60. Dalchand
S/o Shri Lakhmichand

61. Surender Pandey
S/o Shri Nandkishore

62. Choturam
S/o Shri Kanharam

63. Kishanpal
S/o Shri Khajan Singh

64. Vazir
S/o Shri Dayanand

65. Satbir
S/o Shri Lakhmichand

66. Nanhe
S/o Shri Nathuram

67. Yambahadur
S/o Shri Tulbahadur

68. Ramnath
S/o Shri Rameshwar Prasad

69. Ramurti
S/o Shri Bhajanlal

70. Madan
S/o Shri Jagan Singh

71. Deepchand
S/o Shri Choturam

72. Prem
S/o Shri Riksharam

73. Rajendra Prasad
S/o Shri Bhikarilal

74. Prem
S/o Shri Ram Sanjivan

75. Banvari
S/o Shri Alhadiya

76. Baburam
S/o Shri Lakshman Prasad

77. Randhir
S/o Shri Nathuram

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78. Lili
S/o Shri Deepchand

79. Umed
S/o Shri Hoshiyar Singh

80. Azad
S/o Shri Kedarnath

81. Baljit
S/o Shri Hari Singh

82. Jai Singh
S/o Shri Bhagwana

83. Jai Bhagwan
S/o Shri Amar Singh

84. Chatar singh
S/o Shri Surajmal

85. Vidyanand
S/o Shri Bhola Rai

86. Madhu
S/o Shri Marimadhan

87. Suresh Kumar
S/o Shri Desh Raj

88. Ram Charan
S/o Shri Itwarilal

89. Rajkumar
S/o Shri Ajab Singh

90. Jai Singh
S/o Shri Nanheram

91. Ramvir
S/o Shri Chatar Singh

92. Ramesh Kumar
S/o Shri Kundan Lal

93. Vinod Kumar
S/o Shri Ram Bharose

94. Nar Singh
S/o Shri Bhup Singh

95. Durga Bahadur
S/o Shri Man Bahadur

96. Yogender Das
S/o Shri Vindeshwari

97. Jasbir
S/o Shri Jaidev

98. Krishan Kumar
S/o Shri Dharam Chand

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99. Surender
S/o Shri Sukhichand

100. Indrasan Tyagi
S/o Shri Ramanand

101. Hori Lal
S/o Shgri Mukundilal

102. Om Prakash
S/oShri Lakshman Prasad

103. Ram Sagar
S/o Shri Balakram

104. Ram Bhajan
S/o Shri Saudagar

105. Pavan
s/oShri Dharamchand

106. Bankelal
S/o Shri Thakur Prasad

107. Ramdev
S/o Shri Hirralal

108. Kamlesh Kumar
S/o Shri Rameshwar

109. Rajkumar
S/o Shri Puttulal

110. Chetram
S/o Shri Dwarika Prasad

111. Ramvir
s/o Shri Ramphal

112. Kiranpal
S/o Shri Mangluram

113. Satyaprakash
S/oShri Than Singh

114. Dhan Singh
S/o Shri Jeevan Ram

115. Nathi
S/o Shri Motilal

116. Ghansi
S/o Shri Kaluram

117. Sitaram
S/o Shri Uamrao

118. Kamta Prasad
S/o Shri Lalta

119. Dilbagh
S/o Shri Nek Singh

120. Ramaswami
S/o Shri Kagin

121. Ranvir
S/o Shri Chandgiram

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122. Ramdhan
S/o Shri Shrichand

123. Raj Singh
S/o Shri Nanak Singh

124. Balvan
S/o Shri Gheesaram

125. Chanderpal
S/o Shri Bhikabari

126. Horilal
S/o Shri Khajanlal

127. Om Prakash
S/o Shri Ratan Singh ... Applicants

(By Advocate: Ms. Asha Tiwari)

Versus

1. Chief Secretary,
Govt. of NCT, Delhi
Sham Nath Marg, Delhi.

2. The Development Commissioner,
Govt. of NCT of Delhi
5/9, Underhill Road,
Delhi.

3. The Dy. Conservator of Forests,
Govt. of NCT of Delhi,
Kamla Nehru Ridge,
Delhi.

.... Respondents

(By Advocate: Shri S.K. Gupta proxy
counsel for Shri B.S. Gupta)

O.A. No. 1302 of 1998

S/Shri

1. Naresh Kumar
S/o Shri Ram Roop
R/o Vill. Hiranki,
Delhi-36.

and

59 other applicants as
per Memo of Parties

... Applicants

(By Advocate: Shri A.K. Sinha)

Versus

1. Chief Secretary,
Govt. of NCT of Delhi
Sham Nath Marg, Delhi.

2. The Development Commissioner,
Govt. of NCT Delhi
5/9 Underhill Road, Delhi-7.

3. The Dy. Conservator of Forests,
Govt. of NCT Delhi,
Kamla Nehru Ridge, Delhi. ... Respondents

(By Advocate: Shri S.K. Gupta proxy
counsel for Shri B.S. Gupta)

(B)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

As these three O.As involve common question of law and fact they are being disposed of by this common order.

2. Applicants seek a direction to Respondents to comply with the Hon'ble Supreme Court's order dated 29.9.88 in the case of WP-9609-10/1988 Niyadar & Ors. Vs. Delhi Admn. A direction is also sought to Respondents to take a firm decision on the service conditions of the applicants and to grant them all benefits which are applicable to the regular employees.

3. I have heard applicants' counsel Ms. Asha Tiawi and respondents proxy counsel Shri S.K. Gupta.

4. Shri Gupta has invited my attention to the Tribunal's order dated 21.7.97 in O.A. No. 1630/97 Jai Singh & Ors. Vs. Chief Secretary, Delhi Administration and states that these applicants are identically placed as the applicants in the aforesaid O.A., and the judgment in that O.A. fully covers the present O.A. before me also. In this connection Shri Gupta also states

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at the bar that applicants in all the three OAs already stand regularised and are entitled to all the benefits available to regular employees.

5. Ms. Tiwari has pointed out that applicants have, however, not been issued any order of regularisation from the respondents detailing the terms and conditions of their regularisation, nor do their names find mentioned in any seniority list prepared by respondents.

6. In this connection, my attention has been invited to two orders, one of which is undated and the other dated 12.5.92 (Annexure-D in OA-811/98 Bipat Rai & Ors. Vs. UOI & Ors) in which various daily wages labourers have been regularised on temporary; adhoc and emergent basis without any title to permanent employment. Ms. Tiwari has pointed out that regularisation cannot be on temporary; adhoc and emergent, because an employee is either adhoc/temporary or regular/permanent and if regular he is entitled to all the benefits flowing to a regular employee. Hence she states that the aforesaid orders are not proper regularisation orders.

7. Shri Gupta states that in the event applicants make a representation to the respondents, appropriate regularisation orders shall be issued.

8. If as per Shri Gupta's statement mentioned in para 4 above, that respondents have already regularised these applicants and they

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entitled to all the benefits of regularisation, there should not be any need for applicants to make any further representation to respondents for such a regularisation order to be issued by them.

9. Under the circumstances noting the statement made at the bar by respondents' counsel Shri Gupta that applicants already stand regularised and are entitled to all benefits available to the regular employees in the Respondent Dept., these OAs are disposed of with a direction to Respondents to issue appropriate regularisation orders, detailing the dates from which each of the applicants stand regularised and the terms and conditions of their regularisation within three months from the date of receipt of a copy of this order. No costs.

10. Let a copy of this order be placed in each of three OAs.

(S. R. ADIGE)
VICE CHAIRMAN (A).

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Parole
Court of Appeal
Central Administrative Tribunal
C.P. House, New Delhi
Paribet House,
Eustachius Marg.
Delhi-110091