

-9-

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

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. Raghubir
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

2

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. Opendar
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 Shivchander
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

N

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. Raghubir
S/o Shri Udmiram

46. Attar Singh
S/o Shri Ragraj

47. Mukhtiyare
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

2

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

78. Lilu
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

99. Surender
S/o Shri Sukhichand
100. Indrasan Tyagi
S/o Shri Ramanand
101. Hori Lal
S/o Shgri Mukundilal
102. Om Prakash
S/o Shri Lakshman Prasad
103. Ram Sagar
S/o Shri Balakram
104. Ram Bhajan
S/o Shri Saudagar
105. Pavan
s/o Shri Dharamchand
106. Bankelal
S/o Shri Thakur Prasad
107. Ramdev
S/o Shri Hiralal
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/o Shri 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

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 Bhikabar

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)

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

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

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.

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

/ug/