

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(17)

O.A.No.2382/1998

New Delhi the the 31st day August, 2000

HON'BLE MR. KULDIP SINGH, MEMBER (J)
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Sh. Chandgi Ram,
S/o Sh. Rattan Singh,
R/o House No. 200/2, Block-A,
Village Nathu Pura,
Delhi-110009

.....Applicant

(By: Advocate Sh. Ashok Aggarwal)

Versus

1. The Chief Secretary,
Govt. of National Capital Territory
of Delhi, 5, Shyam Nath Marg,
Delhi-110054
2. The Development Commissioner,
Govt. of National Capital Territory
of Delhi, 5/9, Underhill Road,
Delhi-110054

...Respondents

(By: Advocate Sh. Vijay Pandita)

ORDER (Oral)

BY HON, BLE MR. KULDIP SINGH, MEMBER (J)

Applicant through this O.A. is challenging the validity of the impugned action of the respondents in not granting benefits of regularisation with retrospective effect i.e. July 1991, seniority and increments on notional basis to which according to him, he was entitled in terms of the orders dated 22.7.1997 passed by this Tribunal in O.A. No. 106/1993.

2. The brief facts of the case are that the applicant was initially appointed on daily rated basis since 12.8.1982. While he was working as daily rated worker, his services were terminated on 24.6.1991 on the

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alleged ground that he was suffering from T.B. He had challenged the validity of the aforesaid order of termination before this Tribunal in O.A. No. 106/1991. That O.A. was disposed of with a direction to the respondents to constitute a Medical Board and to examine the applicant's physical status as on today and in case he is found not suffering from Pul. T.B., he may be reinstated in service considering the termination order stand quashed.' Applicant further stated that pursuant to the aforesaid orders of Tribunal dated 22.7.1998, he underwent medical examination and was found fit for the job. Thereafter, the respondents issued orders dated 12.11.1997, vide which the applicant was appointed as labourer in the pay scale of Rs. 750-940 and since then he has been working. Therefore, he stated that in view of orders dated 22.7.1998, he was entitled for regular appointment with retrospective effect i.e. July 1991 when his juniors were so regularised and was also entitled for seniority, increments on notional basis, but the respondents have not granted the same to him.

3. The O.A. was contested by the respondents by filing a counter affidavit stated that the seniority of the labourers are fixed on the basis of their first entry as casual labourers (if works continuously) and not on the basis of regularisation. The matter of reviewing of seniority list is in progress. In view of this stand taken by the respondents both the counsel are agreed that the time bound direction may be issued, directing the

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respondents to review the seniority list of the labourer and other similarly situated employees and thereafter the question of regularisation will also be decided on the basis of reviewed seniority list by the respondents.

4. In view of above, the O.A. is disposed of with a directions to respondents to review the seniority list of similiarly situated persons within a period of 4 months from the date of receipt of copy of this order and their claim for regularisation will be decided by the respondents within 3 months thereafter. Respondents further directed to pass an appropriate order and the same be communicated to applicant thereafter.

No order as to costs.


(S.A.T. RIZVI)
MEMBER (A)


(KULDIP SINGH)
MEMBER (J)

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