

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.386/1998

New Delhi, this 20th day of Decmber, 2001

Hon'ble Shri M.P. Singh, Member(A)

1. Jaipal Singh
8A, Gali No.1, Sewa Sadan
Block Mandawali, Fazilpur, Delhi
2. Dinesh Prasad
137/S-II, R.K.Puram, New Delhi
3. Roshan Lal
14/61, Trilokpuri, New Delhi
4. Deepak Singh
261/S-IV, R.K.Puram, New Delhi
5. Ravinder Kumar
54-C, Dilshad Garden, Delhi .. Applicants

(By Shri B.S. Mainee, Advocate for Applicant No.1
Shri S.M.Garg, Advocate for Applicants No.2-5)

versus

Union of India, through
Director General (Works)
CPWD, Nirman Bhavan, New Delhi .. Respondents

(By Shri Vijay Pandita, Advocate)

ORDER(oral)

Applicants, five in number, by the present OA are seeking a direction to the respondents to appoint them on regular basis in the post of Motor Lorry Driver.

2. It is the case of the applicants that they were engaged by the CPWD on various duties between 20.05.92 and 8.04.96 for the job of Motor Lorry Driver. The duties discharged by them are of perennial nature and are neither intermittent nor of casual nature. Though the respondents require their services continuously and permanently, applicants were employed on contract basis. Applicants were verbally told by their respective Executive Engineers and subordinate offices that they shall not be allowed to perform their duties after 28.2.96. Aggrieved by this, they are before this Tribunal seeking the aforementioned relief.

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3. It is the case of the respondents in their reply that the applicants were engaged in their department on contract basis through private contractors on the terms and conditions laid down in work order and accepted and signed by the applicants. Applicants were awarded work contracts initially for a short period which were extended from time to time depending upon the availability of work in a particular project. Respondents would further contend that the work performed by the applicants is not of perennial nature but only of casual nature and the same is got done on contract basis by inviting quotations from the contractors. The services of the applicants are required in emergency and on need basis and not permanently. In view of this position, the OA may be dismissed. 26

4. When the OA came up for hearing on 23.2.98, it was ordered that 'status quo shall be maintained' which was continuing from time to time. However, when the services of the applicants were discontinued on 31.7.98 despite the aforesaid interim order, applicants filed CP Nos.244/98 and 253/98 which came up for hearing before a DB on 23.10.2001 and that Bench has observed that "The question of hearing on the contempt petitions will be decided after the disposal of OA by the Single Bench".


5. Heard the learned counsel for the parties and perused the records.

6. During the course of the arguments, the learned counsel for the applicants drew my attention to the judgement of this Tribunal dated 18.12.1998 in OA

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No.490/1998 touching upon a similar issue, in which the respondents (CPWD) were directed to consider the case of the applicants (Motor Lorry Drivers) therein for grant of temporary status and regularisation in accordance with the scheme applicable to the casual workers in CPWD and in case the applicants had been disengaged in the meantime they would be considered for re-engagement if work was available giving them preference on the basis of services rendered by the applicants over their juniors and outsiders. He submitted that the present OA is covered by the aforesaid judgement and therefore prayed that a similar direction may also be given in the instant case.

7. In view of the above position, I am of the considered view that ends of justice would be duly met if a direction is given to the respondents to consider re-engagement of the applicants as Motor Lorry Drivers in their turn as and when work of that nature is available with them, in preference to freshers/outsideers. I do so accordingly. Respondents shall also consider regularisation of the applicants subject to availability of regular vacancies and applicants' fulfilling the eligibility criteria in terms of the Scheme formulated/to be formulated by them and also in accordance with the rules on the subject. The OA is disposed of in the above terms. No costs.


(M.P. Singh)
Member(A)

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