

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 490 of 1998
M.A. Nos. 509 & 563 of 1998

New Delhi, this the 16th day of December, 1998

(6)

HON'BLE MR. R.K. AHOOJA, M (A)

1. Manish Kumar, S/O Sh. Anand Swarup, working as Photostat Machine Operator at SSW IV, 12th Floor, ITO, MSO Building, New Delhi, R/O House No. 290, Double Storey, Near Jawahar Market, Timarpur, Delhi-57.
2. Narendra Singh, S/O Sh. Govind Singh, working as Motor Lorry Driver at PWD Electrical Division II, ISBT, New Delhi, R/O H.No.111/1, Maulana Azad Medical College, Staff Quarters, Hamdard Lane, New Delhi-19.
3. Khum Bhadur Thapa, S/O Sh. Shahabir Thapa, working as Motor Lorry Driver, at PWD ED-9, MSO Building, ITO, New Delhi and R/O 1625, Chittranjan Park, New Delhi-19.
4. Chotte Lal, S/O Sh. Sukhdev working as Motor Lorry Driver at PWD Electrical Division II, ISBT New Delhi and R/O C-382, Gopal Puri, Delhi.

--APPLICANTS.

(By Advocate: Sh. S.M.Garg)

Versus

1. Union of India through the Director-General (Works), CPWD, Nirman Bhawan, New Delhi.

--RESPONDENT.

(By Advocate- None)

O R D E R

By Hon'ble Mr. R.K. Ahooja, M (A)

The applicant No.1 claims to be working as Photostat Machine Operator and the applicant Nos. 2, 3 and 4 claim to be working as Motor Lorry Drivers in various divisions under Director-General (Works), CPWD, New Delhi. They claim that though they have been shown as working on contract basis, they are engaged on work of

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a perennial nature for the last three to five years. On that basis, they seek a direction to the respondent to engage them on regular basis with all consequential benefits.

2. On 4.3.1998, notices were issued to the respondent for filing reply but no reply was filed till the date of final hearing despite a number of opportunities. One Sh. A.Singhal, UDC, PWD, Departmental Representative for the respondent appeared on 19.3.1998. Thereafter there was no appearance on behalf of respondent. Finding no alternative, the Tribunal vide its order dated 4.5.1998, decided to hear the case ex-parte. It was finally heard on 8.12.1998.

3. Sh. S.K.Garg, learned counsel for the applicant has placed reliance on the order of this Tribunal in OA 256/98 in which the applicants who were working on contract basis as Motor Lorry Driver, Wire Man, Pump Operator, Khallasi etc. had sought the same relief. It was held that the status of the applicants was that of casual labour on daily rate basis and in that capacity they were entitled to be considered for re-engagement and for grant of temporary status and regularisation in accordance with the DOPT scheme applicable to the CPWD.

4. Finding that the facts and the circumstances of this case are the same as in OA 256/98 I dispose of this OA also with the directions that the respondent will consider the case of the applicants for grant of temporary status and for regularisation in accordance with the scheme applicable to the casual workers in CPWD. In

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✓ case, the applicants have been disengaged. in the meantime, they will be considered for re-engagement if work is available, giving them preference on the basis of service already rendered by them over their juniors and outsiders. Thereafter they will be considered for grant of temporary status and regularisation.

5. The OA is disposed of as above. No order as to costs.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)

[sunil]