

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2025/95

New Delhi this the 6th Day of February, 1997
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Shailendra Singh
s/o Sh. Afflatoon Singh
R/O C/O F-1775, Netaji Nagar,
New Delhi.

... Applicant

(By Advocate Shri R.K. Kapoor)

Vs.

1. The Director General (Works)
Central Public Works Department,
Nirman Bhawan, New Delhi-110011
2. The Executive Engineer, M.Division,
C.P.W.D. R.K.Puram, New Delhi

... Respondents

(By Advocate Shri V.S.R. Krishna)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant submits that he was appointed as an Enquiry Clerk with the respondents on 18.1.1992 by way of a work order. According to him, his services have been continued from time to time without interruption which shows that the respondents required his services and that his services were also satisfactory. He further submits that the respondents should be restrained from terminating his services and that he should be regularised in service. The applicant has also submitted that his case should be considered as other casual labourers who have completed 240 days, for regularisation.

2. The respondents have filed their reply contending the above stand and they have also submitted that since the applicant was engaged on contract basis, this Tribunal has no jurisdiction and no impugned order has been passed terminating the services of the applicant. They have submitted that the applicant was appointed by way of ^{an} work order on contract basis as Enquiry Clerk w.e.f. 18.1.1992. They have also submitted that the question of regularisation of the applicant on the basis that he has completed 240 days does not arise.

(9)

They further submit that as per the Recruitment Rules, the enquiry clerk has to be appointed from persons who qualify through the Staff Selection Commission (SSC). However, the respondents have not denied the fact that they had continued the services of the applicant till date. In this connection, the Tribunal's order dated 27.10.1995 is also relevant.

3. In the above facts and circumstances of the case and after having considered the pleadings and submissions made by both the learned counsel, it is apparent that the respondents have continuously employed the applicant as Enquiry Clerk w.e.f. 18.1.1992 without any break. There are no averments made by the respondents that his services are other than satisfactory. In the circumstances, therefore, if the respondents need to employ a person as Enquiry Clerk they shall consider the applicant's case for regularisation in accordance with the relevant rules/instructions, including the eligibility conditions, as prescribed in the rules.

4. O.A. is disposed of as above. No order as to costs.

Lakshmi Suaminathan
(Smt. Lakshmi Suaminathan)
Member (J)

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