

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1056/95

Hon'ble Sh. R.K. Ahooja, Member (A)

New Delhi, this the 9th day of January, 1998

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1. Narain Singh S/o. Sh. Kehar Singh.
2. Sukhbir Singh S/o. Sh. Daryao Singh.
3. Jaipal Singh S/o. Sh. Laxmi Chand.
4. Kartar S/o. Sh. Chatter Singh.
5. Om Parkash S/o. Sh. Har Chand.
6. Sher Singh S/o. Sh. Moti Ram.
7. Kanahiya Lal S/o. Sh. Parma.
8. Dev Chand S/o. Jaidhar.
9. Maman S/o. Sh. Mir Singh.
10. Mukhtar S/o. Sh. Desh Raj.
11. Kitabom S/o. Sh. Pyre Lal.
12. Dham Bir S/o. Sh. Hukam Singh.
13. Arjun Singh S/o. Sh. Bhagwana.
14. Mange Ram S/o. Sh. Sis Ram.
15. Roop Ram S/o. Sh. Moti Ram.
16. Baroo S/o. Sh. Moti Ram.
17. Randhir s/o. Sh. Jot Ram.
18. Ramesh Kumar S/o. Sh. Sardhanand.
19. Bhadur S/o. Sh. jhandu Ram.

All are working as Baildar in the office of I & F Dept of NCT of Delhi R/o. Palam Colony New Delhi.

APPLICANTS

(by Sh. Yogesh Sharma, proxy of Sh. V.P. Sharma, Advocate)

Versus

Union of India through

1. The Secretary,
Ministry of Home Affairs,
Govt. of India,
Lodhi Road,
New Delhi.
2. The N.C.T. of Delhi through
The Chief Secretary,
Old Secretariate,
Delhi.
3. The Commissioner,
Dept of I & F, N.C.T. of Delhi,
Basai Dharapur Delhi.

RESPONDENTS

(None)

O R D E R (Oral)

The applicants, 19 in number, claims to have worked as Baildars in the office of Commissioner, Department of Irrigation and Flood Control, N.C.T of Delhi for long periods between

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1970-1985 as per details mentioned in Annexure - A2. They have come before this Tribunal seeking a declaration that their regularisation be done on the basis of their long casual service and in terms of the Scheme applicable to them, which was prepared on the basis of the Hon'ble Supreme Court's Order in CWP No. 253/88 (Parkash Chand & Others Vs. Delhi Administration & Others), with all consequential benefits.

2. Respondent No. 2 & 3 in their reply have stated that out of the 19 applicants, Applicant No.16, Sh. Baroo expired in 1995 and the services of Applicants No. 7, 9, 13 and 17 have been terminated as per the order of competent authority and on the basis of the medical examination.

3. Today when the matter came up for hearing, Sh. Yogesh Sharma, proxy of Sh. U.P. Sharma appears for the applicant. However, none appears for the respondents. As this is a long pending case, I have considered it proper to dispose of this matter on the basis of the available pleadings.

4. The learned counsel for the applicant has submitted that the respondents have since vide their orders issued in December 1997 granted relief to some of the applicants, 14 in number, by regularising their services with retrospective effect from 1989. However, the services of 5 applicants, i.e., Applicants No. 7, 9, 13, 17 and 16 (Late Sh. Baroo) were not considered for regularisation with retrospective effect as it was deemed that they were not eligible for such regularisation as their engagement had already been terminated. The learned proxy counsel for the applicant urges that their cases also be considered by the respondents since the regularisation with retrospective effect would entitle them or their legal heirs to receive certain monetary benefits by way of pension/gratuity etc.

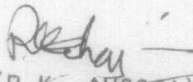
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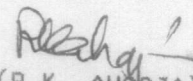
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5. I have considered the matter. Since, the respondents have regularised the service of 14 applicants with retrospective effect from 1989, they ought to have considered the cases of remaining five applicants also even though they had since been disengaged on reaching the age of 60 years and one of them had also expired in the meanwhile. I accordingly dispose of this OA with a direction to the respondents to consider the cases of the remaining 5 persons also for their regularisation with retrospective effect in the same manner as they had done in respect of the other 14 applicants and to grant them thereafter terminal benefits to which they might be entitled. This will be done within a period of three months from the date of receipt of a copy of this order.

OA is disposed of as above. No costs.


(R.K. AHOOJA)
MEMBER (A)

Later on Sh. Ajesh Luthra, Proxy of Ms. Jyotsna Kaushik appears on behalf of the respondents.


(R.K. AHOOJA)
MEMBER (A)

/rao/