

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2288/1996

New Delhi, this 16th day of May, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri S.P. Biswas, Member(A)

1. Ms. Geeta Saini
2515/93, Tri Nagar, Delhi-35
2. Shri Ranjit Jha
E-3, Welcome Seelampur, Delhi
3. Shri Rajinder Kumar
115/8, Shiv Mandir, Wazirabad, Delhi
4. Shri Deep Chand
115/8, Shiv Mandir, Wazirabad, Delhi
5. Shri Mukesh Kumar
Vill. Sutandi, PO Garsani, Dt. Agra .. Applicants

(By Advocate Shri A.K. Behera)

versus

1. Chief Secretary
Govt. of NCT of Delhi
5, Shamnath Marg, Delhi
2. Dy. Commissioner, Tis Hazari Courts
Delhi
3. Addl. Dt. Magistrate (Revenue)
Tis Hazari Courts, Delhi .. Respondents

(By Advocate Shri Vijay Pandita)

ORDER(oral)

Hon'ble Dr. Jose P. Verghese

This original application has been filed by 5 applicants, who were working as Data Entry Operators (DEO for short) under R-2 for computerisation of land records. The contention is that these applicants working for the last 3 years were initially appointed on a consolidated fee of Rs.1500/- per month after being selected through the Staff Selection Commission for the said purpose. The initial appointment was for 89 days and subsequently continued as and when their services were required. Condition No.4 was added clearly stating that the appointees shall not get a right or claim whatsoever for their being considered regular appointment against these or any equivalent posts and other benefits such as DA, IR, CCA and HRA.

(2)

2. The fact remains that the applicants continued **to work** at the time when they approached this Tribunal. On the basis of records, we find that the respondents were directed to maintain status quo as on 12.2.97 by an interim order.

(3)

3. Learned counsel for the respondents has brought to our notice that the original records show that technically speaking the applicants were engaged as DEO on the above said terms for a period till 3.10.96. Thereafter, no approval was received from the Finance Ministry. It is true that the Department has not obtained necessary approval from the Ministry concerned, but at the same time it is also a fact that the applicants had been working for no fault of theirs to the full satisfaction of the respondents and therefore under no circumstances, they can deny payment for the work actually executed by the applicants.

4. Respondents are, therefore, directed to make all efforts to get ex-post-facto approval from the Finance Wing for the remaining period for which the applicants **the remaining** have actually worked and make/50% of payment within two months from today.

5. As far as regularisation of the applicants is concerned, we are of the opinion that this being a group C post and recruitment is regulated through Staff Selection Commission, as and when the posts are created and if it is decided to be filled by selection,

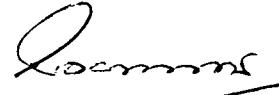
(3)

applicants are entitled to compete with all outsiders in accordance with the rules against the circular to be issued by the respondents, with age relaxation.

(A)

6. Respondents shall also continue to engage these applicants as DEO if they desire to continue with the present volume of work, namely data entry of land records now being undertaken and it is directed that they shall continue to engage these five persons in preference to newcomers till they decide to create and the post fill up /or regularisation in accordance with law. We make it clear that payment for the period applicants actually worked will not come in the way of non-availability of funds or budgetary constraint with respect to these applicants, which would be at the expense of the respondents. The payment to be made to the applicants shall be calculated on the basis of pay they have been getting till 1995.

7. With this direction, this OA is disposed of. No order as to costs.


(S.P. Biswas)
Member(A)
16.5.97


(Dr. Jose P. Verghese)
Vice-Chairman
16.5.97

/gtv/