

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-169/97
MA-210/97

(2)

Hon'ble Shri S.B. Biswas, Member(A)

New Delhi this the 24th day of January, 1997.

1. Shri Deva Nand,
S/o Sh. Mangal Dass,
K-305, Sewa Nagar(Railway Crossing),
New Delhi.
2. Shri Sushil Kumar,
S/o Shri Ram Kumar,
H.No.231 Chandrawal,
Shahdra, Delhi-93.
3. Smt. Raj Wanti,
W/o Shri Nank,
K-220 Sector-5, Ambedkar,
Dakshin Puri, Delhi.
4. Shri Mahender Singh,
S/o Sh. Narain Singh,
H.No.T-883, Jahangirpuri,
Delhi-33.
5. Shri Mahesh Mehto,
S/o Sh. Govind Prasad Mehto,
C/o A-2 G.B. Panth Hospital,
New Delhi.
6. Smt. Rajo,
W/o Sh. Kamal Singh,
H.No.10975 Pipal Wali Gali,
Motia Khan, Pahar Ganj, Delhi.
7. Sh. Vikram Singh,
S/o Hari Prasad,
Q.No.4, Block C,
G.B. Panth Hospital,
New Delhi.
8. Smt. Sunita,
W/o Sh. Shyam Lal,
Jhuggi No.26 Dhobi Ghat,
G.B. Panth Hospital,
J.L. Nehru Marg, Delhi-2.

9. Sh. Nawab Ahmed,
S/o Sh. Safiq Ahmed,
J-2-8/6, Tagore Lane,
Kamla Market, Delhi. (3)

10. Sh. Daulat Ram,
S/o Sh. Omparkash,
557 Jawala Nagar,
Ram Leela Ground,
Shahdara, Delhi.

11. Smt. Anita,
W/o Shri Kishore,
H.No. 3047, Kutcha Sohan Lal,
Sita Ram Bazar, Delhi.

12. Shri Vipin Kumar,
S/o Sh. Braham Singh,
H.No.20, Block E Extension Khajuri,
Delhi.

13. Shri Vijay Kumar,
S/o Lala Ram,
C-17, New Seelampur,
Delhi.

14. Shri Chandan Singh,
S/o Shri Thakar Singh,
II/1468, Gulabi Bagh,
Delhi. Applicants

(through Shri O.P. Sood, advocate)

versus

1. National Capital Territory of Delhi Govt.,
through Secretary, Ministry of Health,
5, Shyam Nath Marg, Delhi.

2. G.B. Pant Hospital,
through Director,
Jawahar Lal Nehru Marg,
New Delhi. Respondents

Order(oral)

The applicants who are working as Nursing Orderlies and Safai Karamchari under the respondents for different periods varying from 77 to 516 days are aggrieved because of arbitrary actions on the part of respondents in dispensing with their services after every short spell of work and engaging fresh

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hands ignoring their superior claims. Consequently, they have sought for issuance of a direction to respondents to regularise their services in the respective trades against the existing vacancies and also to prepare a seniority list based on rules and regulations on the subject.

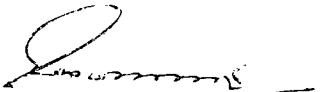
2. It is the case of applicants that they have attained the experience and continued working for several months satisfactorily though with short breaks. Their claims for regularisation is covered under the ratio laid down by this Tribunal in OA-2013/89 (Prem Singh & Others Vs. Delhi Administration & Anr.) as well as the Scheme framed by Government of India vide O.M. dated 10.09.1993 (Annexure-B). The applicants would further argue that the Government of India has framed clear policy for employment of casual labourers/group-D employees, regularise their services based on number of days of service rendered by them and accord temporary status till regularisation but the respondents have decided to turn Nelson's eyes about their outstanding claims. That apart, respondents are not adhering to the principles of reservation for the post under consideration meant for SC/ST/OBC and handicapped persons. It has further been averred that respondents have regular jobs and yet they are continuing to employ like the applicants herein on daily wage basis.

3. In view of the judgements aforesaid, this Tribunal directs respondent No.2 to consider regularisation of the applicants herein in the light of the Scheme and the orders of the Tribunal mentioned herein above.

(5)

The respondents shall also ensure that the applicants are duly considered for regularisation in preference to their juniors and freshers. The claims of the applicants shall be considered by respondent No.2 and the said respondent will pass a reasoned order and communicate the same to applicants within a period of three months from the date of receipt of a certified copy of this order. Let the Registry send a copy of this O.A. to respondent No.2 alongwith a copy of the order.

4. The application is disposed of as aforesaid at the admission stage itself.


(S.P. Biswas)
Member (A)

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