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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 2917/97

New Delhi, this the 11th day of August, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Shri Khyali Dutt Pancholi
Son Of Shri Khem Nand
R/O Quarter No.6, Type-II,
DESU Colony, Narela,
Delhi - 110040.

Employed as Cook in Sanskar Ashram,
Dilshad Garden, Shahdara, Children Home of
Social Welfare Department,
N.C.T. Govt. Delhi. Applicant
(By Advocate: Sh. Raj Kumar Maan)

Vs.

Director, Social Welfare Department,
Govt. of National Capital Territory of Delhi,
Kasturba Gandhi Marg,
New Delhi. Respondent
(By Advocate: Sh. Suraj Singh)

O R D E R (ORAL)

delivered by Hon'ble Shri T.N. Bhat, Member (J)

Heard.

We have also perused the entries in the attendance registers furnished by the learned counsel for the respondents.

2. Applicant has come to the Tribunal seeking regularisation of his services as, according to him, he has been working for a number of years right from the year 1988 continuously as a Cook. According to the applicant

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(2)

he has been working on several shifts in a day starting from 6 a.m. in the morning and ending at 10 p.m. in the night.

3. The only ground on which the applicant's case for regularisation has been rejected by the respondents is that he is working only as a part time Cook.

4. On going through the entries from the attendance registers for the years 1990, 1991 and 1997, copies of which have been filed by the applicant along with his OA, we find that the applicant had been working continuously for 8 hours a day (12 p.m. to 8 p.m.). Although this contention of the applicant is denied by the respondents who have also sought to make it out that tampering has been done in the attendance registers, we find no such tampering or interpolation in the attendance registers shown ^{to} us today by the learned counsel for the respondents. The copies of the entries in the attendance register filed by the applicant with his OA are true and correct copies of the original entries and there are really no interpolations in those entries. These entries amply support the contentions raised by the applicant.

5. The learned counsel for the respondents, however, takes us through the entries in the latest attendance register pertaining to the year 1998 and lays

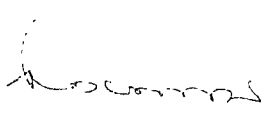
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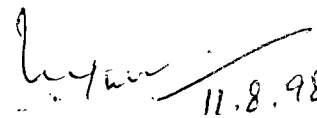
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emphasis on the point that in this register the applicant is shown to be working as a Cook on part time basis and for a period of only 4 hours a day. In reply, the learned counsel for the applicant produced before us the copies of some worksheets according to which right from 6 a.m. in the morning till 7.30 p.m. the applicant is required to prepare breakfast, lunch, evening tea and dinner everyday. In these circumstances, the contention of the respondents that the applicant is only a part time Cook cannot be accepted.

6. In view of the above, this OA deserves to be allowed. The same is accordingly allowed and the respondents are directed to give a regular pay scale of Cook to the applicant and to consider his case for regularisation of his services on the assumption that he is a full time employee working for nearly 8 hours a day. Respondents are further directed to implement this order within 3 months from the date of receipt of the copy of this order.

7. With the above directions the OA is disposed of, leaving the parties to bear their own costs.


(S.P. BISWAS)
Member (A)


(T.N. BHAT)
Member (J)

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