

Central Administrative Tribunal, Principal Bench

✓ O.A.No.660/97
With
O.A.No.873/97

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

New Delhi, this the 2nd day of Febraury, 1998

O.A.No.660/97

1. Sh.Surinder Singh
S/o.Sh.Maman Singh
525 JG-II, Vikaspuri,
New Delhi-18.

2. Sh.Mehar Singh
S/o.Sh.Dara Singh
No.590, JJ Colony,
Pandav Nagar,
Delhi-92
(By Sh.P.T.S. Murthy, Advocate)

APPLICANTS

Versus

1. Lt. Governor
Government of National
Capital Territory of Delhi.
2. The Director of Lotteries
Directorate of Lotteries,
Second Floor, ISBT,
Kashmere Gate,
Delhi-6.
(None)

RESPONDENTS

O.A.No.873/97

1. Sh.Ram Pal
S/o.Sh.Ram Lal,
Vill. & PO Nathupura,
Timarpur, Delhi.
2. Sh.Jai Pal Singh
S/o.Sh.Ram Swaroop Singh
525-JG-II, Vikaspuri,
New Delhi.
(By Sh.P.T.S. Murthy, Advocate)

APPLICANTS

Versus

1. Lt. Governor, Government
National Capital Territory of
Delhi, Delhi.
2. The Director of Lotteries
Directorate of Lotteries,
Second floor, ISBT,
Kashmere Gate, Delhi-6.
(None)

RESPONDENTS

O R D E R (Oral)

As both the O.As involve the same questions of fact and law they are being disposed of by this common order.

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2. The applicants in both O.As are working as Security Guards in the office of Director Delhi Lotteries. They state that they are ex-servicemen and their names being sponsored by the Director General Rehabilitation, Ministry of Defence they were so appointed as Security Guards on daily wages from 27.7.94. Since then the respondents have decided to close-down the Delhi Lotteries and the applicants apprehend that their services might be dispensed with. The applicants say that having worked for long periods on daily wages they are entitled to consideration for absorption/regularisation in any one of the Departments of Delhi Government or atleast in Delhi Kalyan Samiti where some of their juniors in Delhi Lotteries have already been absorbed.

3. The respondents in their reply have stated that the Government of Delhi have already taken a decision to close-down the Delhi Lotteries and in fact the operation of Delhi Lotteries have already ceased. There is therefore, no work available for the applicants. Under the CCS (re-deployment of surplus staff) Rules 1990, only such employees whose services are permanent or where temporary they have rendered not less than five years regular service can be considered for re-employment in any Government Department. The petitioners as they do not fall in the aforesaid category cannot be considered for absorption in any other Department.

4. Today when the matter came up none appeared on behalf of respondents. I have heard the learned counsel for the applicant. He argued that the respondents have arranged for absorption of the juniors of the applicants in Delhi Kalyan Samiti of which the Member Secretary is the Finance Secretary of Delhi Government. Therefore, they should have also taken up the case of the applicants. He submits that Delhi Kalyan Samiti has a corpus of Rs.52 crores and has sufficient work available for absorptioin of

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the applicants. The applicants according to the learned counsel, are entitled to have their military service counted towards their seniority in civil employment and therefore, even though they joined only in 1993 with the respondents, their total seniority would be more than five years and as such they are eligible for re-employment in other departments^o of the Government of Delhi, under the deployment rules. (B)

5. I have carefully considered the matter. If no work is available, the Delhi Lotteries cannot be directed to keep the applicants on its pay ~~roll~~. As regards the rules regarding counting of seniority on the basis of their military service, the benefit accrues only in case of employment on regular basis and not when ex-servicemen are offered employment on daily wage basis. In view of this the applicant cannot take the benefit of their military service towards eligibility in terms of re-employment scheme. The Lok Kalyan Samiti is also not one of the respondents before me. However, if the official respondents have forwarded the names of other similarly situated persons to the Delhi Kalyan Samiti for consideration ^{they} can do the same in respect of the applicants. In these circumstances I considered it appropriate to dispose of both these O.As with the direction that in case no work is available for the applicants in Delhi Lotteries the respondents will forward ~~the~~ names to Delhi Kalyan Samiti for consideration for re-engagement on the same basis as has been done in respect of the employees of the Delhi lotteries. No further direction is possible in the present circumstances. No costs.

R. K. Ahooja
(R.K. AHOOJA)
MEMBER(A)

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