

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 947 of 1997

New Delhi, dated this the 21st Nov., 1997

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Ajay Kumar Mittal,
S/o Shri S.L. Mittal
2. Yashpal Malhotra,
S/o Shri Y.K. Malhotra
3. Mahesh Chand,
S/o Shri Lila Dhar

(All are working in
Irr. & Flood Control Dept.,
NCT, Delhi, IVth Floor,
ISBT, Delhi-6)

... APPLICANTS

(By Advocate: Shri Rishi Kesh)

VERSUS

1. Chief Engineer (Irrg. & Flood),
Irrigation & Flood Control Dept.,
Govt. of NCT of Delhi,
IVth Floor,
ISBT, Delhi.
2. Chief Secretary,
Govt. of NCT of Delhi,
5, Shamnath Marg,
Delhi-110006.
3. Engineering Officer (I&F),
Govt. of NCT of Delhi,
IVth Floor,
ISBT, Delhi.
4. Jt. Director (Admn. & Reforms),
Govt. of NCT of Delhi,
Old Secretariat,
Delhi.
5. Lt. Governor,
Govt. of NCT of Delhi,
Raj Niwas,
Delhi.

... RESPONDENTS

(By Advocate: Shri S.K.Gupta proxy
counsel for Shri B.S.Gupta)

ORDER(ORAL)

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

Applicants who are typists in the Irrigation & Flood Control Dept., Govt. of NCT of Delhi pray for regularisation and consequential benefits.

2. We have heard Shri Rishi Kesh for applicants and Shri S. K. Gupta, proxy counsel for Shri B. S. Gupta for respondents.

3. Shri Gupta has invited our attention to copy of Respondents' letter dated 6.11.97, which is taken on record, in which it has been stated that the case for creation of 117 Group 'C' posts for such of those incumbents who have passed the suitability test by relaxed standard, has been sent to the appropriate authorities for further action and as soon as the posts are created action regarding regularisation of the petitioners shall be finalised.

4. In this connection, Shri Rishi Kesh has furnished a copy of the seniority list of work assistants and typists in which applicants figure at Sl.No. 57, 73 and 79. His contention is that persons junior to them have been regularised and in this connection has shown us a copy of a statement containing service particulars of ⁶⁶work assistants and typists, who he contends have been regularised. Upon comparing the names in the aforesaid seniority

list with ^{in these in} the statement, we find that persons such as S/Shri Rama Shankar, Tikam Chand and Sri Kumar whose names feature below that of the applicants in the aforesaid seniority list, find mention in the aforesaid statement while the names of applicants do not.

5. Shri Rishikesh also refers to Ground A.1 of the OA in which it has been averred that even now 8-10 posts of typists are available against which applicants could be regularised because 2-3 incumbents out of the aforesaid 66 persons are reported to have unfortunately expired and 5-6 are reported to have left the dept. He states that there is no specific denial to this avement in the reply filed by the Respondents.

6. We take note of the statement given by the Respondents' counsel Shri Gupta at the bar that Respondents will take immediate action to regularise the applicants if vacancies are available as of to-date, and in case they are not available applicants will be given first preference for regularisation as soon as they become available.

7. Noting this assurance given by Shri Gupta at the bar we dispose of this O.A. with a direction to respondents to take a final decision for regularisation of applicants in accordance with rules and instructions within one month from the date of receipt of a copy of this order, in case vacancies are immediately available, and in case they

are not, to take a final decision in accordance with rules and instructions on the proposal to create additional post pursuant to respondents' letter dated 6.11.97 within 2 months from the date of receipt of a copy of this order, and within one month thereafter take a final decision regarding regularisation of applicants in accordance with rules and instructions against such additional posts.

8. This OA stands disposed of accordingly.
No costs.

A. Kedaravalli
(DR. A. VEDAVALLI)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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