

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, Shambhavi 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)

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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 these 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 ⁶⁶ work assistants and typists, who he contends have been regularised. Upon comparing the names in the aforesaid seniority

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In their in
list with 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 averment 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

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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. VedaValli

(DR. A. VEDAVALLI)
MEMBER(J)

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

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