

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

OA.No.2010/94

Dated New Delhi, this 8th day of October, 1996.

HON'BLE SHRI K. MUTHUKUMAR, MEMBER (A)
HON'BLE SHRI T. N. BHAT, MEMBER (J)

1. Shri Anil Kumar Sharma
S/o Shri Shankar Lal Sharma
Peon-cum-Chowkidar
Holiday Home
Government of NCT of Delhi
HARDWAR.

2. Shri Anand Singh Bhandari
S/o Shri Bakhtawar Singh
Peon-cum-Chowkidar
Holiday Home
Government of NCT of Delhi
MUSSOORIE.

... Applicants

By Advocate: Shri Indrajit Sharma
versus

1. Lt. Governor of Delhi
through Chief Secretary
Government of NCT of Delhi
Sham Nath Marg
DELHI.

2. Labour Commissioner
Government of NCT of Delhi
15-Rajpur Road
DELHI.

... Respondents

By Advocate: Shri Pitambar Dutt, proxy
counsel for Shri Raj Singh.

O R D E R (Oral)

Shri T. N. Bhat, M(J)

The applicants in this OA who are admittedly
working as Peon-cum-Chowkadar at the Holiday Homes,
Haridwar and Mussoorie with effect from 1.12.82 and

Contd..2

8.10.1996

22

20.5.86, respectively, have come to the Tribunal praying for directions to the respondents to allow the applicants regular pay scale of Rs.750-940 retrospectively from 1.1.86/20.5.86 with benefit of refixation of pay and arrears of pay with effect from the above dates.

2. The applicants had earlier also filed OA.No.1320/93 which was disposed of by this Tribunal by judgement ~~and~~ order dated 2.12.93 with following directions:-

"7. While, therefore, we do not want to decide the issue on merits at the present stage, we are satisfied that directions should be issued to the respondents - and we do so - to reconsider the representation made by the applicants for the grant of regular pay scale of a pecn for the posts held by them, keeping in consideration whether posts of chowkidar elsewhere in the Delhi Administration have been created on a regular pay scale and also taking into consideration the instructions dated 26.10.1984 referred to in Annexure P-4 of the Government of India as well as judgement of the Supreme Court in Piara Singh's case, (JT 1992(5) 179) referred to in para iv) of the rejoinder by the applicant and pass suitable orders in accordance with law under intimation to the applicants, within two months from the date of receipt of this order. We make it clear that in case the applicants are aggrieved, it is open to them to seek such relief, as may be advised."

When the respondents failed to take any decision

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23

on the matter, the applicants filed this OA seeking the above directions.

3. The respondents have filed their counter reply wherein it is admitted that the applicants have been working on the post of Peon-cum-Chowkidar since 1-12-82 and 20.5.86, respectively, on consolidated salary, though subsequently their pay was raised to Rs.958 p.m., but no regular pay scale is being given to them. It is further stated that in pursuance of the judgement and order dated 2.12.93, the matter of creation of two regular posts of Peon-cum-Chowkidar at the Holiday Homes at Haridwar and Mussoorie is under "active consideration" of the respondents.

4. Today, during the course of arguments, the proxy counsel for the respondents produced before us a copy of the order dated 2.4.96 from the Labour Department of the Government of National Capital Territory of Delhi addressed to the Secretary, Government of India, Ministry of Labour, Delhi, recommending creation of two posts of Peon-cum-Chowkidar on regular basis in Holiday Homes, each at Mussoorie and Haridwar.

5. Thus, the claim of the applicants for being placed in regular pay scale is not seriously disputed

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2A

by the respondents. That being so, this OA can be disposed of with time bound directions to the respondents to finally decide the matter.

6. During the course of arguments, the learned counsel for the applicants also drew our attention towards the order dated 25.7.95 passed by this Tribunal in these proceedings whereby the respondents were directed to pay to the applicants wages at the rate of minimum daily wages fixed from time to time. The learned counsel for the applicants states that the rate of daily wages as was admissible on the aforesaid date was paid to the applicants upto the month of August 1995, but subsequent thereto when there was revision in the daily wage rate, the applicants were not paid at the revised rate. We are confident that the respondents shall look into the matter, as we find no reason why the applicants should not be paid at the revised rate till a decision is finally taken on their claim for being placed on a regular pay scale.

7. In view of what has been stated above, this OA is disposed of with a direction to the respondents to take a final decision in the matter of granting regular pay scale to the

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25

applicants within a period of three months from
the date of receipt of a copy of this order.

8. No order as to costs.

[Signature]
(T. N. Bhat)
Member(J)

8.10.1996

[Signature]
(K. Muthukumar)
Member(A)

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