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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

CP NO. 133/99
OA NO. 378/93

NEW DELHI THIS THE 12th DAY OF OCTOBER, 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

In the matter of:

Deepak Bhumbra s/o Sh. Anant Ram Bhumbra
R/o B-15 (IInd Floor), Delhi Police Group
Housing Society, Sector-13, Rohini,
Delhi - 110 085

(By Advocate: Sh. M. K. Bhardwaj)

.....Applicant

Vs.

1. Sh. Ashok Pahwa
Secretary to Govt. of India,
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. Sh. B. S. Duggal,
Director General,
Central Public Works Department,
Nirman Bhawan, New Delhi.
3. Sh. Virender Singh,
Executive Engineer,
Construction Division No.1,
Central Public Works Department,
Curzon Road Barracks, New Delhi.

(By Advocate: Sh. Rajeev Bansal)

.... Respondents

O R D E R (ORAL)

By REDDY. J.

Heard counsel for the applicant and respondents.

2. The CP arises out of the order dated 27.3.98 in OA-378/93. In the said order the following directions have been given by the Tribunal:-

- (i) If there is an existing vacancy of a typist as on date the applicant shall be engaged as lowest Grade 'D' typist on ad hoc basis and/or on daily wages and shall

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be eventually considered for
absorption/regularisation only in
accordance with the rules.

- (ii) If there is an existing vacancy therein in all future vacancies of typists whenever there is a need to take a casual worker the applicant shall be preferred and invited to join on daily wages.
- (iii) In any recruitment of typists to be made by the respondents in future, weightage shall be given for the service rendered by the applicant for a period of 5 years if he applies in response to the same. If the rules confer discretion for relaxation in age, such a relaxation shall be exercised in favour of the applicant to the existing five years of service rendered by him.
- (iv) In any vacancy even for a group 'D' post, the applicant shall also be considered and the weightage and relaxation of age as per (ii) above shall also be allowed to him in a selection.
- (v) Even for any job of a casual worker the applicant shall be invited in preference to juniors and outsiders. OA is disposed of as above.

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3. It is the complaint of the applicant that though there are vacancies in the department the respondents are not engaging the applicant as per the directions in the grade of typist on ad hoc basis or on daily wages. Thus, the respondents have disobeyed the orders of the Tribunal. But the counsel for respondents states that they have not violated the directions of the Tribunal. It is averred in para 3 of the counter affidavit as follows:-

"(3) Contentions raised in this para are wrong and denied. After 25.3.98, no vacancy of LDC has accrued in the Department which was available for filling up. As a consequence of the cadre review of Group 'C' Ministerial employees of CPWD, a number of posts of LDCs were to be abolished. The sanctioned strength was revised as per DG(W)'s O.M. No. 11/5/97-EC IV Dt. 27.2.1997. (Annexure-II) The reduction in strength of LDCs was to be achieved in four years starting from the year 1996-97 and will continue upto 2001. The vacancy position given by the petitioner is not correct. The correct regionwise position of LDCs is given as under:

Region	Existing Strength	Revised Strength	Surplus
A(North)	2154	1365	789
B(East)	505	292	213
C(West)	371	235	136
D(South)	363	255	108

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(4) In reply to this para it is humbly submitted that the directions of the Hon'ble Tribunal were to consider the applicant if there is any existing vacancy of LDC/Group D or Casual Labour. Since there is no existing vacancy of any of these post the applicant could not be considered."

4. It is, therefore, submitted by the learned counsel for the respondents that the strength of the LDCs have been reduced as a consequence of the cadre review and as there is 789 surplus strength in the Northern Division the respondents are not at all engaging any LDC or Group 'D' or casual labour in the Department, and as and when such a vacancy will arise the applicant will be considered in accordance with the directions given by the Tribunal.

5. In view of the above facts and circumstances, we are satisfied that there is no violation of the order of the Tribunal. The CP is, therefore, dismissed. Notices discharged.


(MRS. SHANTA SHASTRY)
Member (A)


(V.RAJAGOPALA REDDY)
Vice Chairman (J)

'sd'