

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1527/2000
MA 1908/2000

NEW DELHI, THIS THE 17TH DAY OF JANUARY, 2002

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER(A)

1. All India CPWD (MRM)Karamchari Sangathan (Regd) through its President, Sh.Satish Kumar, 34-DD, D.I.Z.Area Sec-4, Raja Bazar, New Delhi-110001.
2. Sh. Satish Chand S/o Sh.Ganesh Parshad
3. Sh. Mana Ram Chohan S/o Sh.Dala Ram Chohan.
4. Sh. Manoj Kumar S/o Sh. Sohan Singh.
5. Sh. Satish Kumar S/o Sh.Harbans Lal.
6. Sh. Balram Mujalde S/o Sh.Daya Ram.
7. Sh. Jaswinder Singh S/o Sh.Sadhu Ram.
8. Sh. Surjeet Singh S/o Sh.Ram Chand.
9. Sh. Pukhran Bhargav S/o Sh.Roopam Ram.
10. Sh. Rajpal Singh S/o Sh.Bani Singh
11. Sh. Sanjay Kumar S/o Sh.Bani Singh
12. Sh. Shyamal Kr.Dutta S/o Sh.Amulya Kr.Dutta
13. Sh. Satrugan S/o Sh. Bachu Manji
14. Sh. Balwant Parshad S/o Sh.Ram Jattan Parshad
15. Sh. Ram Gyan Prajapatti S/o Sh.Badhri Parshad
16. Sh. Lal Chand S/o Sh.Kalu Ram.
17. Sh. Ashok Kumar S/o Sh. Magi Lal
18. Sh. Hari Singh S/o Sh. Phool Singh.
19. Sh. Bhagirath Singh S/o Sh. Surat Singh.
20. Sh. Ramji Singh Yadav S/o Ram Swarup Yadav
21. Sh. Vinod Kumar Sharma S/o Sh.Munshi Lal Sharma
22. Sh. Manjeet S/o Sh. Dharam Singh,
23. Sh. Janki Ram S/o Sh.Ghuja Ram.
24. Sh. Nathmal Mahatma S/o Sh.Gulab Chandji
25. Sh. Arun Kumar S/o Sh.Bazari Lal.
26. Sh. Rajesh Kumar S/o Sh. Bhikam Singh

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27. Sh. Kanwar Manjul s/o Sh. Sadhu Singh,
28. Sh. Jagan Lal S/o Sh. Daulat Ram ..Applicants
(By Advocate Sh. Narender Roy, proxy
counsel for Sh. Naresh Kaushik)

V E R S U S

1. Union of India,
through its Secretary,
Ministry of Urban Affairs & Employment
Nirman Bhavan, New Delhi-11.
2. The Director General of Works,
C.P.W.D. Nirman Bhawan,
New Delhi-11.
3. The Chief Engineer,
Border Fencing Zone,
CPWD East Block,
Sector-4, R.L.Puram,
New Delhi.
4. The Executive Engineer,
PWD Division No.V,
C.T.I., Building, Raja Garden,
New Delhi. ..Respondents
(By Advocate Sh. P.P. Relhan
proxy counsel for Sh. J.B. Mudgil)

O R D E R (ORAL)

By Hon'ble Sh. Govindan S. Tampi, M(A)

Demand in this OA is that the applicants be granted temporary status and regularisation in their turn with attendant benefits..

2. MA No.1908/2000 for joining allowed.

3. Heard S/Shri Narender Roy, proxy counsel for Shri Naresh Kaushik, for the applicants and P.P. Relhan, proxy counsel for Sh. J.B. Mudgil, for the respondents.

4. While applicant no.1 is the All India CPWD(MRM) Karamchari Sangathan, Applicants 2 to 28 are the members of the Union - 25 Beldars and 2 drivers all working with the CPWD Recruitment and

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regularisation of Muster Roll workers are governed by CPWD Manual in terms of which, after completion of 2 years service, MR staff are liable for regularisation. Statutory instructions have also been issued from time to time. Finally, DOPT's Scheme for grant of temporary status and regularisation of Casual staff dated 10.9.93, has become applicable in their case. However, nothing has been done by the respondents in this connection, leading to this OA. Denial of the above benefit has been illegal and arbitrary. According to the applicants, decisions of the Supreme Court in the case of Surinder Singh (Writ Petition No.563-70/83) Bhagwati Devi Vs. UOI (AIR 1990 SC 371) would come to their assistance. Besides they also referred to a few other decisions of the Supreme Court including in Narender Chadda Vs. Union of India [(1986) 2 SCC 187] State of Haryana Vs. Piare Singh (JT 1992 (5) 179) and pleaded that the respondents as model employees should protect the rights of the applicants. Hence the request that all the applicants be granted temporary status on completion of one year in service and thereafter regularisation in turn. The above pleas were forcefully reiterated by Sh. Narendra Rai, learned proxy counsel for the applicants.

5. In the reply filed on behalf of the respondents and reiterated by Sh. P.P. Relhan, learned counsel it is pointed out that the applicants in fact were only daily wages beldars and engaged on a need based arrangement and they did not per se have any right for grant of temporary status as claimed. Still a few of them, who were eligible have been granted

temporary status in terms of DOPT's Scheme of 10.9.93. They were only purely temporary workers who did not have ~~any~~ vested right. Persons who were in position on 10.9.1993 and have completed the requisite period have been granted temporary status and others could not be so considered. The pleadings raised and the decisions cited by these applicants were not relevant and do not merit acceptance, according to Shri Relhan. Besides, drivers being in Group 'C' do not fall within the purview of DOPT's Scheme.

6. On examination of the matter, I find that the applicants who are working as Beldars are seeking grant of temporary status/regularisation in terms of DOPT's Scheme for grant of temporary status/regularisation of Casual Workers under the OM No.51016/2/90-Estt.(C) dated 10.9.93. While the applicants stated that they have been singled out for discriminatory treatment respondents ~~plead~~ that they had acted only correctly. ~~and~~ They also point out that a few of the applicant have been granted temporary status. In the circumstances it would be just and fair for the respondents to re-examine the plea of the applicants, ~~on~~ facts and to find out whether the applicants fulfil the criterion and if so to take action accordingly. This would be relevant only as Beldar which is a Group 'D' post, ~~and~~ not as driver, which is a Group 'C' post and as such not falling within the scope of DOPT's Scheme of 10.9.93.

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7. In the above view of the matter, the OA is disposed of with the directions to the respondents to re-consider the case of all the applicants for grant of temporary status/regularisation in terms of DOPT's

Scheme for the above dated 10.9.93, strictly in accordance with the instructions, guidelines and judicial pronouncements and to take appropriate decision. This to my mind, would meet the ends of justice. No costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

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