

Central Administrative Tribunal, Principal Bench

Original Application No.1795 of 2000
with
Original Application No.1794/2000

New Delhi, this the 28th day of May, 2001

Hon'ble Mr.Kuldip Singh, Member (J)

O.A.1795/2000

- 1.Krishna Kumar
S/o late Shri Chandra Bhan Singh
r/o 26/13 Ganga Shai Colony
Mandoli,
Delhi-93
 - 2.Rameshwar Bandewar
s/o Shri Sukdu Bandhwar
r/o 159 Gali No.6
Laxmi Nagar,
Delhi-92
 - 3.Beerendra Singh
S/o Shri Ajay Veer Singh
r/o G1/3C, Opposite SBI
Uttam Nagar, Delhi-59
 - 4.Deewan Singh
S/o Shri Dungar Singh
r/o H.No.C-30, Saraswati Vihar
Khora, Noida
 - 5.D.C.Dalkotia
S/o Shri Jai Datt Dalakoti
r/o H.No. C-30, Saraswati Vihar,
Khora, Noida
 - 6.Neeraj Katiyar s/o Shri M.B.Katiyar
r/o 4/25B, Shastri Gali, Vishwas Nagar,
Delhi-32
-Applicants

(By Advocate: Shri L.B.Rai)

Versus

- 1.Union of India through
its Secretary
Ministry of Environment & Forest,
Paryavaran Bhawan, CGO Complex, Lodi Road
New Delhi-3
 - 2.Central Pollution Control Board
through its Chairman
Paryavaran Bhawan, East Arjun Nagar
Delhi-32
 - 3.The Member(Secretary)
Central Pollution Control Board
Paryavaran Bhawan, East Arjun Nagar
Delhi-32
-Respondents

(By Advocates: Shri S.M.Arif for respondent no.1 and
Shri P.N.Puri for respondent nos.2&3)

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O.A.1794/2000

1. Suresh Kumar Sahu
S/o Shri Bhairav Sahu
R/o F-3, Gali No.8
Sangam Vihar
New Delhi-62
2. Ramdas
S/o Shri Jugnoo
R/o 4-17, East Arjun Nagar
Shahdara,
Delhi-32
3. Kanchan Lal Das
S/o Shri Durga Lal Das
R/o H.No.349, Bhola Nath Nagar
Shahdara,
Delhi-32
4. Indermohan
S/o Shri Dleep Singh
Sector 5, Vaishali
House No.40, Ghaziabad
U.P.
5. Mohd. Zafar Ansari
S/o Shri Mohd. Riyaz
R/o H.No.333-B, Batla House
Gali No.2, Jamia Nagar,
Okhla,
New Delhi-25
6. Ramesh Singh Ratela
S/o Shri R.C.Thakur (Manjhi)
R/o 21-B, Pocket-A
DDA MIG Flats
G.T.B. Enclave
Delhi-93
7. Kamal Kumar
S/o late Shri Ramrichpal
R/o 89-B, Pocket B-IV
Dilshad Garden
Delhi-95

.....Applicants

(By Advocate: *Mrs. Ranu Chhabra* NOT present)

Versus

1. Union of India through
its Secretary
Ministry of Environment & Forest,
Paryavaran Bhawan, CGO Complex, Lodi Road
New Delhi-3
2. Central Pollution Control Board
through its Chairman
Paryavaran Bhawan, East Arjun Nagar
Delhi-32

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3. The Member (Secretary)
Central Pollution Control Board
Paryavaran Bhawan, East Arjun Nagar
Delhi-32

..... Respondents

(By Advocates: Shri S.M. Arif for respondent no.1 and
Shri P.N. Puri for respondent nos.2&3)

ORDER

By Hon'ble Mr. Kuldip Singh, Member (J)

By this order, I will decide two OAs whereby the applicants are seeking regularisation as they claim that they have been working under respondents for the past many years and further by not granting them same scale and other allowances admissible to regular employees performing the same functions as of the applicants and further denying them their legitimate rights under the 5th Pay Commission violates Article 14 and 16 of the Constitution of India.

2. Facts in brief are that the applicants have been working on casual basis with respondents as Attendants/Field Attendants. Initially they had been engaged for 89 days and from time to time, their term of engagement had been extended. Applicants 4 and 5 in OA-1795/2000 were appointed as casual Drivers. Their term was also extended from time to time. The applicants allege that for the first time in the year 1995, respondent no.2 in exercise of the power conferred under sub-section 3A of Section 12 of the Water (Prevention and Control of Pollution) Act, 1974 framed regulations, known as "Central Pollution Control Board (Method of Recruitment Terms and Conditions of service of officers and other employees other than Member Secretary) Regulations, 1995 which are stated to have been approved by the Central

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Government and were published in the Gazette of India according to which all persons who are employees of the Board at the commencement of these regulations, shall be deemed to have been appointed to the corresponding posts specified in Schedule-I. Despite those regulations and various judgements of the Supreme Court, the applicants who were already in service at the time when the above regulations were framed and they were entitled to get the benefits but had been denied the same.

3. It is further stated that respondent no.2 in its meeting held on 27.2.96, resolved to implement Casual Employees (Grant of Temporary Status and Regularisation) Scheme for regularisation of backlog casual workers as a one time measure. The said scheme came into effect on 31.3.96 but despite that, the applicants have not been regularised. Various representations are stated to have been made but no action was taken thereon. It is stated that keeping the applicants for such a long time in temporary capacity is illegal and arbitrary. It is also stated that several vacancies are lying vacant and all the applicants are entitled to be regularised against those.

4. The respondents who are contesting the OAs, admit that the scheme known as Casual Employees (Grant of Temporary Status and Regularisation) Scheme, 1996 was framed by respondent no.2 in its meeting held on 27.2.96 but no approval as envisaged under Section 12(3) has been granted by the Central Government to the said Scheme, therefore, it has not come into force. It is submitted that some of the applicants are not eligible for being granted temporary status even according to provisions of

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the scheme. Besides that, applicants in OA-1794/2000 had been appointed against various projects under respondent no.2 and even as per the proposed scheme, the employees who are working as casual labourers under any specified projects and are doing the work of seasonal and intermittent nature, the scheme is not applicable to them.

5. The respondents have further submitted that O.A.1964/99 filed by similarly situated persons was dismissed by the Tribunal on 31.10.2000.

6. I have considered the pleadings and submissions made by learned counsel for the parties.

7. First of all, I may mention that the scheme on which the applicants have relied upon, is still awaiting approval of the Government. Besides that, this scheme is stated to be not applicable to the applicants since most of them had been appointed in specified projects and their engagement was to continue till the project lasts. Under the so-called proposed scheme, no right has accrued to the applicants to claim regularisation.

8. Learned counsel for the applicants vehemently argued that since the applicants have been working for long period, so they are entitled to be considered for regularisation whenever the respondents decide to do so. I have considered this contention of applicants' counsel but keeping in view the fact that the Scheme is yet to come into force and it is still awaiting approval of the Central Government so till such time the approval comes,

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applicants have no right to seek regularisation and then it is also to be seen whether the Scheme which is pending approval, covers the case of projects' employees or not.

Under these circumstances, I am of the opinion ^{g.} ~~that~~ ^{both the} this OA^s ~~have~~ no merit. However, since the applicants have been working to the satisfaction of the management for the last so many years, therefore, I hold that in the event respondents are going to engage regular employees and the applicants also apply for those posts, respondents shall consider them for regularisation by giving age relaxation to the extent of their service and while doing so, they shall also consider past service rendered by them.

10. Both the OAs stand disposed of with the above directions. No costs.

Let a copy of this order be placed in O.A. Nos.1795 and 1794 of 2000.


(Kuldip Singh)
Member (J)

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