

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 1870/2000

New Delhi, this the 24th day of September, 2001

HON'BLE SH. KULDIP SINGH, MEMBER (J)

In the matter of:

Shri RAj Bhan Singh  
S/o Shri Natthi Singh  
R/o Vill. & P.O. Dhanora,  
P.S. Kakore, Distt. Gautam Budh Nagar  
U.P.

....Applicant

(By Advocate: Sh. S.K.Gupta proxy for  
Sh. B.S.Gupta)

Versus

1. Union of India  
Through Secretary  
Ministry of Urban Development  
Nirman Bhawan, New Delhi.
2. Director General of Works  
Central Public Works Department  
Nirman Bhawan, New Delhi.
3. Secretary  
Coordination Civil  
I.P. Bhawan, I.P. Estate  
CPWD, New Delhi.
4. Superintending Engineer  
CPWD - III  
New Delhi Zone  
New Delhi.
5. Executive Engineer  
CPWD - IV  
Police Colony  
Hauz Khas, New Delhi.

....Respondents

(By Advocate: Sh. George Paracken)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

This is an OA filed by the applicant under Section 19 of the AT Act whereby the applicant is seeking regularisation of his services in the post of Enquiry Clerk or in the post of Mate as has been done in the other cases by the department. The applicant has also stated that he will be regularised in any other equivalent post as the applicant is presently

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working in temporary capacity since 31.1.85. The applicant in his OA has also quoted that one Sh. Chander Bhan who was also working from 1985 has been regularised as Mate and immediately thereafter the applicant also made a request for being regularised either on the post of Enquiry Clerk or on any other post but his request has not been conceded to.

2. The applicant has filed this OA stating that he fulfills all the grounds to be regularised through proper channel or Employment Exchange. His case is at par with that case of Chander Bhan. So he is also eligible to be regularised.

3. Respondents in their reply submitted that the applicant was engaged as worker on Muster Roll w.e.f. 31.1.85 but there are no post of Enquiry Clerk sanctioned in the office of Resp. No.5 where the applicant could be regularised. As far as case of Chander Bhan is concerned in an earlier OA and it had been held that ban has lost its force and it cannot have validity for indefinite period and in this respect order of the Tribunal in OA-2326 and 2327/2000 can be referred. Thus, the pleas of ban is not available to respondents. In answer to those allegations respondents submit that Chander Bhan was regularised to the post of Mate by Resp. 2 who is the competent authority and that has been done by transferring the post of Mate to Chief Engineer NDZ-II, CPWD, New Delhi as per Annexure A-6 of the OA, as is apparent from Annexure A-6 of the OA. But for the time being no post is available, so the applicant cannot be regularised. Respondents are also saying that there is a ban on creation of post and as such the respondents are not able to regularise the service of the applicant.

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4. Heard counsel for the parties and peruse the material on record.

5. As regards the case of the applicant being similar to Chander Bhan is concerned, there is no dispute about the same. The OA is disposed of with the direction that as and when the first vacancy of Mate is available with the respondents they will regularise the applicant from ~~that~~ date when the respondents have the vacancy in accordance with rules and instructions.

*Kuldeep*  
( KULDIP SINGH )  
Member (J)

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