

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.1889/2000

New Delhi, this the 17<sup>th</sup> day of October, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

1. Kunwar Singh, Field Attendant,  
Central Pollution Control Board  
Zonal Office  
Kanpur
2. Kali Charan  
Field Attendant  
Central Pollution Control Board  
Zonal Office  
Kanpur
3. R.K. Pandey  
Attendant,  
Central Pollution Control Board  
Zonal Office  
Kanpur
4. Prahalad Bhagel  
Attendant  
Central Pollution Control Board  
Zonal Office  
Bhopal
5. Surendra Kumar  
Attendant,  
Central Pollution Control Board  
Zonal Office  
Bhopal
6. Suresh Kumar  
Attendant (Safaiwala)  
Central Pollution Control Board  
Zonal Office  
Bhopal

...Applicants

(By Advocate: Shri L.B.Rai)

Versus

1. Union of India  
through its Secretary  
Ministry of Environment and Forests  
Paryavaran Bhawan  
CGO Complex, Lodi Road  
New Delhi
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.

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4. Incharge  
Central Pollution Control Board  
Zonal Office  
Kanpur

5. Incharge  
Central Pollution Control Board  
Zonal Office  
Bhopal

...Respondents

(By Advocate: None)

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O R D E R

The applicants, 6 in number, have been appointed by the Central Pollution Control Board (CPCB), respondent No.2 herein, on adhoc basis by way of purely temporary appointments made in 1994 in one case and in 1995 in the remaining five cases. Accordingly, the applicants have continued to work as such with appointment letters issued from time to time on the same basis, continuing their respective terms. While they have been engaged and have worked in broken spells, the services rendered by them after 6.1.1997 have been continuous. In January/March 1997, temporary status was conferred on the applicants. In the year 2000, the applicants apprehended termination of their services and rushed to this Tribunal by filing the present OA. They succeeded in securing an order of ad-interim stay on 15.9.2000. Their grievance is that while they have been working as above rendering services as Attendants all these years, the respondents have, by deliberate action, failed to regularise their services besides denying them the benefits of pay scales applicable to the aforesaid posts and the recommendations of the 5th Central Pay Commission.

2. The learned counsel appearing on behalf of the applicants has, for seeking various reliefs in the present

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OA, relied on the order passed by this very Tribunal in OA-1945/2000 on 16.2.2001. In that OA, the applicant had been engaged by the same respondent to work in a project. Further, the order was passed in that OA by placing reliance on order dated 17.8.1998 passed by this very Tribunal in OA-2985/97 (along with two other connected OAs). In passing orders in the said OA (OA-2985/97), the Tribunal had in turn relied on the orders passed by this Tribunal in the case of Dr. (Mrs.) Sangeeta Narang & Ors. Vs. Delhi Admn. & Ors., ATR 1988 (1) CAT 556. This is what was decided by this Tribunal in OA-1945/2000:-

"11. In the background of the above discussion, I find that it would be just, fair and proper to dispose of this OA with the following directions to the respondents for compliance by them fairly and carefully and as expeditiously as possible.

i)           XX           XXX           XX           XX           XXX

ii) The applicant will be entitled to receive payments taking into account the basic pay, DA, HRA, CCA etc. as applicable to regular employees working as DEO Gr.-II following the principles of equal pay for equal work. The applicant will also be entitled to all consequential benefits from the date of his first appointment on 3.10.96 ignoring the breaks in service which could be treated as leave of the kind due.

iii) As and when a regular vacancy in the rank of DEO Gr.-II is required to be filled up in the respondents' establishment, the applicant will be allowed to prefer an application notwithstanding the fact that he may have in the meantime crossed the upper age limit fixed for such recruitment. The respondents will, in the case of the applicant, grant suitable age relaxation to enable him to apply and be considered in accordance with the aforesaid Regulations of 1995."

3.           The respondents have, in their pleadings, placed on record, stated <sup>that</sup> the procedure for recruitment laid down in

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the relevant recruitment rules of 1995 had not been followed in making their appointments and, therefore, the relief sought herein cannot be granted. They have also stated that in the present OA, there is no joint cause of action as the facts relating to the various applicants are different from each other. Hence, they cannot join in a common petition.

4. I have considered the matter carefully in the light of the submissions made by the learned counsel appearing on behalf of the applicants and the pleadings filed by the respondents.

5. The learned counsel for the applicants has submitted that where necessary a competitive test (written) was held before the applicants were appointed. They were also interviewed by a selection committee. They have been serving the respondents for several years and have become over age and cannot, therefore, apply for direct recruitment against regular vacancies, such as, may be notified by the respondents in future. Non-payment of salary and allowances on par with those performing similar duties and responsibilities as regular post holders is also an act of discrimination hit by Articles 14 & 16 of the Constitution. Since all of them are aggrieved by inaction on the part of the respondent-authority in not making payments of pay and allowances as above and also refraining from taking steps to regularise their services, their right to file a common petition cannot be questioned. Similarly, the fact that their names were not initially sponsored by the Employment Exchange will also not stand in their way

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for being considered in future for direct recruitment totally in accordance with the relevant recruitment rules subject only to age relaxation.

6. I am inclined to agree with the aforesaid submissions made on behalf of the applicants and proceed to dispose of the OA in the same terms in which OA-1945/2000 was disposed of. Accordingly, the respondents are directed as follows:-

i) The applicants will be entitled to receive payments taking into account the basic pay, DA, HRA, CCA etc. as applicable to regular employees working in similar capacities following the principles of equal pay for equal work. The applicants will also be entitled to all consequential benefits from the dates of their initial appointments ignoring the breaks in service which will have to be treated as leave of the kind due.

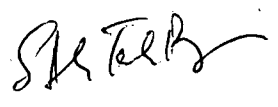
ii) As and when regular vacancies in the rank of Attendant are required to be filled up in the respondents' establishment, each of the applicants will be informed in that regard and will be allowed to prefer an application notwithstanding the fact that they may have in the meantime crossed the upper age limit fixed for such recruitment. The respondents will, in respect of each applicant, grant suitable age relaxation to enable them to apply and be considered in accordance with the aforesaid Regulations of 1995. It is clarified that the applicants herein will be considered as above only in respect of posts of Attendant, the responsibilities of which the applicants are discharging at present. *dv*

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iii) Payments which become due to the applicants by virtue of the directions contained in (i) above will be made over to the applicants in a maximum period of three months from the date of receipt of a copy of this order.

7. The present OA is disposed of in the aforesaid terms. No costs.

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(S.A.T. Rizvi)  
Member (A)

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