

-8-

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1948/2000

New Delhi this the 29th day of January, 2001

Hon'ble Mr. V.K. Majotra, Member (A)

1. Shri Wilson Massey,
S/o Shri B.L. Massey,
R/o 1093, Old Vijay Nagar,
Ghaziabad (U.P)

2. Shri Raj Kumar,
S/o Shri Ganeshi Lal,
R/o Village: Sharifabad,
Rajpur, Gaziabad.

-Applicants

(By Advocate: Shri S.K. Anand)

Versus

Union of India, through

1. Director General of Works,
C.P.W.D., Nirman Bhawan, New Delhi.

2. The Superintending Engineer,
Gaziabad Central Circle,
C.P.W.D., Ghaziabad.

3. The Executive Engineer,
Ghaziabad Central Division,
C.P.W.D, Hindon Air Field,
Ghaziabad, (U.P)

-Respondents

(By Advocate: Shri D.S. Mahendru)

ORDER (Oral)

Mr. V.K. Majotra, Member (A)

This application has been made against respondents' inaction to grant benefit of judgment dated 26.9.97 in OA-1458/96 for regularisation of the applicants in Group-C post of drivers within a period of four months from the date of receipt of a copy of the above order. It is stated that the respondents have not complied with the aforesaid orders. The respondents had challenged the above judgment before the Hon'ble High Court of Delhi in Civil Writ Petition No. 2312/98 which was dismissed vide order of the Hon'ble High Court dated 13.5.98.

b

The applicants filed C.P. No. 58/98 for non-compliance of the Tribunal's order by the respondents. The respondents in their compliance affidavit to the contempt petition stated that the regularisation of the services of the applicants was denied as they have been engaged on daily rated basis after imposition of the ban on the engagement of the daily rated workers after 19.12.1985. The learned counsel of the applicants drew my attention to order dated 21.1.99 in OAs 1138/97 and 1154/97 in which the Chandigarh Bench of this Tribunal directed in the matters of similarly placed persons that their services should be regularised against the post of Motor Lorry Drivers as per the rules within four months from the date of issue of a copy of this order (Annexure A-12). He further referred to Annexure A-13 dated 2.3.2000 whereby the respondents in implementation of CAT Chandigarh Bench order dated 21.1.99 regularised the services of 10 applicants involved in the related cases. The learned counsel has sought similar benefit for the applicants in this matter as were accorded by the respondents to the applicants in OAs-1138 & 1154/97.

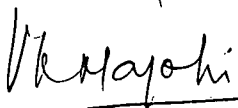
2. The learned counsel of the respondents Shri Mahendru contended that although the present matter is similar to the matter which was decided by CAT, Chandigarh Bench and the respondents have accorded regularisation to the applicants of Chandigarh matters, the only difference between the applicants of the two matters is that whereas the present applicants are serving in ^{a ll} ~~the~~ different



circle of CPWD than the applicants in the Chandigarh matter who served in Simla Circle of the CPWD.

3. The point raised by the learned counsel of the respondents in support of dis-similarity between the applicants of the present case with those of the applicants of case Nos 1138 & 1154/97 which was disposed of by the Chandigarh Bench cannot be countenanced being frivolous. The respondents are the same and the facts of the present case are similar with those of the matter which were disposed of by the Chandigarh Bench. The respondents cannot be allowed to deny regularisation to the applicants as order dated 21.1.99 in OA 1138/PB of 1997 etc. are squarely applicable to the facts of the present case.

4. Having regard to the above reasons and discussion, the respondents are directed to consider the case of the applicants for regularisation of their services against the posts of Motor Lorry Driver as per the Rules, by waiving the condition of sponsorship through Employment Exchange. In case they are found to be overaged, respondents shall give age relaxation to them for the period they have served in the department. These directions shall be complied with within a period of two months from the date of receipt of a copy of this order. No costs.


(V.K. Majotra)
Member (A)

cc.

1.
CP 337/2001 in
OA 1948/2000

16.07.2001

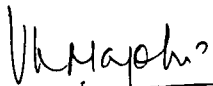
Present : Shri S.K.Gupta for Shri S.K.Anand, counsel
for applicants.

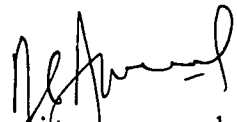
By an order passed on 29.1.2001 in OA 1948/2000
following directions have been issued :

"4. Having regard to the above reasons and discussion, the respondents are directed to consider the case of the applicants for regularisation of their services against the posts of Motor Lorry Driver as per the Rules, by waiving the condition of sponsorship through Employment Exchange. In case they are found to be overaged, respondents shall give age relaxation to them for the period they have served in the department. These directions shall be complied with within a period of two months from the date of receipt of a copy of this order. No costs."

Aforesaid directions have remained to be complied with despite the period of two months having expired long back. This, in substance, is the grievance raised in the present contempt petition.

Issue notices returnable on 21.8.2001.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

/as/

As no DB in Ct No-2
list in Ct No. 144
6
2018

Item No. 6

21-8-2001

CP 337/2001 in

BA 1948/2000

-12-

Present: Sh. S.K. Aand, Id. Counsel for
the Petitioner.

Sh. D.S. Mahandru, Id. Counsel for
the respondents.

Heard both the learned counsel.

Learned Counsel for the respondents
states that the matter with regard to the
regularisation of the applicant has already been
sent to the Ministry of Finance and the
decision of the Ministry of Finance is expected
shortly. He seeks eight weeks time

to comply with directions of the Tribunal
for regularisation of the applicant. Time
as prayed is granted. In case the
applicant's services have not been regularised within
the above stipulated period by the respondents,

Respondent No. 1 (Shri Krishan Kumar, DA (wom))
should be present in person at the Court on the
next date of hearing.

list on 31-10-2001.

(Shanker Kumar)
M/A

(H.P. Room)
M/A

(Date)