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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2133 of 2000

New Delhi, this the 25th day of May, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

1. Sukh Dev s/o Shri Ram Narain Sharma
H-16/747, Sangam Vihar, New Delhi-62

2. Satya Pal S/o Shri Parmal Singh
H.No.122-A, Khanpur, New Delhi-62

3. Dharam Pal S/o Shri Ram Kishan
H.No.62, Khanpur, New Delhi-62

4. Kuldeep Singh S/o Shri Zile Singh
Village Siddipur, New Delhi

-APPLICANTS

(By Advocate: Shri M.K.Gaur)

Versus

1. Union of India, through
Secretary, Ministry of Communication
Dept. of Posts, Dak Bhawan, New Delhi

2. Chief Postmaster General, Delhi Circle
Meghdoot Bhawan, New Delhi

3. The Sr. Supdt. of Post Offices
South Division, New Delhi

4. The Sr. Supdt. of Post Offices
South West Division, New Delhi

-RESPONDENTS

(By Advocate: Shri J.B.Mudgil)

O R D E R (ORAL)

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

Applicants have filed this OA seeking
following reliefs:

"To direct the respondents to consider the case of the applicants for regularisation in accordance with para 12 of the scheme dated 12.4.91, against four regular vacant posts vide circular No.B-9/10 dated 14.10.99 in T.C. cadre in Group 'D' in South East Division or any other regular vacant posts or units."

2. Applicants are aggrieved of the fact that despite the fact that they are working as daily wage employees since 1984, the department is not taking any action to regularise their services. It is submitted

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that a Scheme was introduced by the respondents as long back as on 12.4.91 for regularisation of Casual Labourers and despite the fact that applicants are willing to be regularised even in the other units where there is vacancy available, respondents have failed to regularise them.

3. Learned counsel for the respondents submitted that the department had initiated the process of regularisation of the applicants but since there was a ban imposed vide order dated 7.4.2000 on filling up the vacant posts therefore, the respondents were unable to regularise the services of the applicants.

4. In reply to this, learned counsel for the applicants referred to a judgement of the Tribunal in O.A.309/99 wherein the circular dated 7.4.2000 itself was in question alongwith another circular dated 18.4.2000 imposing ban on recruitment. The Tribunal in its order, after considering both the circulars, observed that they were of general character and no specific time limit for completion of the review of all the vacant posts was stipulated. The Tribunal observed that such like bans should not stand in the way of cases of the applicants being considered for regularisation against available vacancies since their right for such consideration had already accrued to them under the law.

5. In the present case also, the only ground taken by the respondents is that there is a ban on filling up the posts and this plea has already been negatived by the Tribunal in its judgement in O.A.309/99 (supra).

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6. Under these circumstances, this court has no option but to allow the OA. I, therefore, allow this OA with a direction to respondents to consider the case of the applicants for regularisation in group "D" posts against regular vacancies in Test as well as Non Test categories in accordance with the Scheme on regularisation and rules, instructions and judicial pronouncements on the subject. These directions should be implemented within a period of three months from the date of receipt of a copy of this order. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

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