

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 2237/2000

New Delhi: this the 9th day of October, 2001
HON'BLE MR.S.R.ADIBE VICE CHAIRMAN(A).

HON'BLE DR. A.VEDAVALLI, MEMBER (J))

1. All India CPWD (MRM) Karamchari Sangathan (Regd),
through its President, Shri Satish Kumar,
34-D, D.I.Z. Area, Sector 4, Raja Bazar,
New Delhi-110001
2. Lakh Ram
S/o Shri Chater Singh
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.
3. Manjit Kumar,
S/o Lalita Prasad,
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.
4. Kapleshwer Lal Karan
S/o Jai Dev Lal Karan,
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.
5. Bahadur Singh
S/o Shri Sher Singh,
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.
6. Ram Khilari,
S/o Shri Chandan Singh,
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.
7. Hirday Ram
S/o Shri Chamru,
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.

8. Kunwar Pal
S/o Sohan Lal,
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.
9. Jagdish Ram
S/o Shri Bhartu Ram,
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.
10. Chandershekhar
S/o Shri Girdhari Lal
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.
11. Naveen Chander
S/o Shri Hera Balab,
Beldar-cum-Enquiry Clerk,
President Estate Division,
CPWD, New Delhi.
12. Uttam Chand
S/o Shankar Das
Beldar-cum-Enquiry Clerk,
E' Division, CPWD, South
Block, Gate No.11,
New Delhi.
13. Om Prakash Pandey
S/o Baijnath Pandey,
Beldar-cum-Enquiry Clerk,
R' Division, CPWD,
Curzon Road Barracks,
New Delhi.
14. Shankar Sharan,
Beldar-cum-Enquiry Clerk,
R' Division, CPWD,
Curzon Road Barracks,
New Delhi.

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15. Prabhu Dutt,
S/o Shri Bhola Dutt,
Beldar-cum-Enquiry Clerk,
R Division, CPWD,
Curzon Road Barracks,
New Delhi

..... Applicants.]

(By Advocate: Shri Naresh Kaushik)

Versus

1. The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi.]

2. Deputy Secretary,
Govt. of India,
CPWD, Nirman Bhawan,
New Delhi.]

3. The Executive Engineer,
President Estate Division,
CPWD,
New Delhi.]

4. Deputy Director (EC.X),
CPWD, Nirman Bhawan,
New Delhi

..... Respondents.]

(By Advocate: Shri KCO Gangwani)

ORDER

S.R. Adige, VC (A):

Applicants impugn respondents' order dated 13.7.2000 (Annexure-1) and dated 11.10.2000 (Annexure-2), and seek consequential benefits.]

2. Heard both sides and perused the materials on record.
3. There is merit in the contention of respondents that the court order/judgment modifying the arbitration award dwelt on the payment of arrears of wages to the workmen who discharged the functions of noting complaints after fixation of their pay on notional basis and there is no direction contained therein requiring respondents to create post of Enquiry Clerks and/or to appoint such workmen in the higher grade on regular basis.]

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4. Under the circumstances, the impugned orders cannot be said to violate any rights of applicants so as to warrant judicial interference. However, having regard to the Tribunal's order dated 13.7.2001 in OA No.2007/2000 Om Prakash Vs. CPWD & another, for the duration respondents have taken a decision to continue to take work from applicants as Enquiry Clerks, respondents should pay applicants the pay and allowances payable to Enquiry Clerks or its equivalent.

5. The OA is disposed of in terms of para 4 above. No costs.

AK
(DR. A. VEDAVALLI)
MEMBER (J)

Arfalgir
(S. R. ADIGE)
VICE CHAIRMAN (A).

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