

Central Administrative Tribunal, Principal Bench

Original Application No.2318 of 2000
M.A.No.2737/2000

New Delhi, this the 31st day of July, 2001

Hon'ble Mr.Kuldip Singh, Member (J)

1. Shri Bhanwar Lal
s/o Shri Sarwan Kumar
r/o 7033/2, Mata Ramewari
Nehru Nagar, Karol Bagh,
New Delhi
2. Shri Sunil Kumar,
s/o Shri Jawahar Lal
r/o 2132/12B, Prem Nagar,
New Delhi
3. Shri Ramesh
s/o Shri Balwant Singh
r/o G/15, IASRI
Pusa Colony,
New Delhi
4. Shri Sunder Lal
s/o Shri Vir Singh
r/o 21/288, Hari Nagar,
New Delhi
5. Shri Dhan Singh
s/o Shri Samay Singh
r/o 26/365, D.M.S. Colony
Hari Nagar, New Delhi
6. Shri Surender Prasad
s/o Shri Nari Ram
r/o G-31, D.M.S. Colony
Shadipur Depot, New Delhi
7. Shri Pardeep Kumar
s/o Shri Suresh Chander Sharma
r/o 29/402, D.M.S. Colony
Hari Nagar, New Delhi
8. Shri Rakesh Kumar
s/o Shri Sita Ram
r/o 5/62, D.M.S. Colony
Hari Nagar, New Delhi
9. Shri Rajiv Ranjan
s/o Shri Kuldip Sharma
r/o F-11, D.M.S. Colony
Shadipur Depot, New Delhi
10. Shri Ram Shankar
s/o Shri Kuldip Sharma
r/o F-11, D.M.S. Colony
Shadipur Depot, New Delhi
11. Shri Sanjay
s/o Shri Sumer Singh
r/o H-63, D.M.S. Colony
Shadipur Depot, New Delhi

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12. Shri Satender Singh
s/o Shri Vir Singh
r/o 21/288, D.M.S. Colony
Hari Nagar, New Delhi
13. Shri Jai Prakash
s/o Shri Bhagwan Das
r/o H.No. 50, Village Nangli,
Sakrawati, Najafgarh Road,
New Delhi
14. Shri Pawan Kumar
s/o Shri Jagdish Kumar
A-3/60, Sultan Puri
New Delhi
15. Shri Shamsheer Singh
s/o Shri Ram Singh
r/o G-32, D.M.S. Colony
Shadipur Depot, New Delhi
16. Shri Amit Kumar
s/o Shri Har Prakash
r/o H-4, D.M.S. Colony
Shadipur Depot, New Delhi
17. Shri Jai Prakash
s/o Shri Vishamber Das
r/o B-34, Vikas Nagar
Uttam Nagar, New Delhi
18. Shri Virender Prasad
s/o Shri Vijay Bahadur
r/o A-3/76, Sultan Puri
New Delhi
19. Shri Avdhesh Kumar
s/o Shri Ram Chander
r/o T-581/T.D. Baljeet Nagar
West Patel Nagar, New Delhi
20. Shri Manish Kumar
s/o Shri Suraj Prakash
r/o 2/17, Old Rajinder Nagar
New Delhi-60
21. Shri Shiv Prakash
s/o Shri A. Yadav
r/o H-60, D.M.S. Colony,
Shadipur Depot, New Delhi
22. Shri Vikram Singh
s/o Shri Shyam Lal,
r/o G-30, D.M.S. Colony,
Shadipur Depot, New Delhi
23. Shri Khem Chander
s/o Shri Mal Ram
r/o JIII54, Wazirpur Colony,
New Delhi

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24. Shri Vijender
s/o Shri Shyam Lal
r/o Village Jiji P.O. Sampla
Distt. Rohtak, Haryana
25. Shri Rajesh Kumar
s/o Shri Dilip Kumar
r/o A-254, Karan Vihar Part II
Nangloi, Delhi
26. Shri Anil Kumar
s/o Shri Surender Singh
r/o T-607, Vijay Park,
Baljeet Nagar, New Delhi

- Applicants

(all working as Daily Rated Mates in
D.M.S., Patel Nagar, New Delhi)

(By Advocate: Shri S.M. Garg)

Versus

1. Union of India
through the Secretary
Ministry of Agriculture
(Deptt. of Agriculture,
Animal Husbandry and Dairy),
Krishi Bhawan,
New Delhi-110001
2. The General Manager,
Delhi Milk Scheme
Patel Nagar
New Delhi-110008

- Respondents

(By Advocate - Shri Rajeev Bansal)

O R D E R (ORAL)

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

M.A. 2737/2000 for joining together is allowed.

2. The applicants in this OA have prayed for a direction to transfer them to the regular establishment of Delhi Milk Scheme (in short 'DMS') so that they be governed by the Fundamental and Supplementary Rules as they have completed more than 240 days in a period of 12 months in accordance with the standing orders. The applicants allege that they have been continuously working as daily rated mates in DMS since May, 1998. It

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is claimed that according to the Certified Standing Orders any casual worker who has completed 240 days of service in a period of 12 months is entitled to be transferred to regular establishment of DMS.

3. The OA is being contested by respondents. They have taken the plea that none of the applicant has completed 240 days in any 12 months of a year and therefore, they are not entitled to be transferred to the regular establishment. It is also pleaded that consequent upon the increase in the prices of milk supplied by DMS, there has been around 50% reduction in the sales. Accordingly, the regularly employed staff in DMS itself is under-employed and as a result the incidents of employing Badli Workers have come down drastically.

4. Applicants in their rejoinder have rebutted the claim of respondents. They have enclosed a document at Annexure 1 to the rejoinder which not only contains the names of regular staff which was employed on over time basis but also the daily wage persons as well as contract labourers who were employed continuously.

5. I have heard Shri S.M.Garg for the applicants and Shri Rajeev Bansal for the respondents.

6. Learned counsel for the applicants has relied upon a judgement of the Tribunal in OA-2958/97 filed by similarly situated persons as the applicants herein. In the said case, relying upon another judgement in OA No.2415/97 with OA No.2414/97, the Tribunal directed

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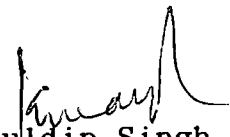
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the respondents to "transfer the applicants to the regular establishment w.e.f. 1st day of the month immediately following the 12 months of the said period and to pay the applicants the difference of salary from one year preceding to the date of filing their application in this Tribunal."

7. Since the present case is on all fours with OA No.2958/97 (supra), I allow the same reliefs as given in that O.A. by directing the respondents as under:

- "i) Since the applicants have completed 240 days in a period of 12 months, the respondents will transfer them to the regular establishment w.e.f. 1st day of the month immediately following the 12 months of the said period; and
- ii) The respondents will issue necessary orders and pay the difference of salary etc., to them from one year preceding to the date of filing their application in this Tribunal i.e. 2.11.2000. This shall be done within a period of four months from the date of receipt of a copy of this order.

No costs.


(Kuldip Singh)
Member(J)