

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.2327 of 2000

New Delhi, this the 6th day of July, 2001

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

Radha Krishanan Nair
S/o Shri V.Kumar Pillai
R/o Flat No.PG-25,Posahgipur.
Janakpuri, New Delhi-58

-APPLICANT

(By Advocate: Shri S.K.Gupta, proxy for Shri B.S.Gupta)

Versus

1. Union of India, through
The Secretary
Ministry of Urban Development
Nirman Bhawan, New Delhi
2. Director General of Works
C.P.W.D.,
Nirman Bhawan, New Delhi
3. Superintending Engineer (Elect)
Coordination Division
C.P.W.D.,
401-A, 4th Floor
I.P. Bhawan, New Delhi-2

- RESPONDENTS

(By Advocate: Shri P.P.Ralhan, proxy for Shri J.B.Mudgil)

O R D E R (ORAL)

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

The applicant was initially engaged as Wireman on muster roll w.e.f. 28.5.86. He was conferred temporary status in terms of Govt. of India Scheme dated 10.9.93 but the same was later on withdrawn in the year 1994. It is submitted that the applicant is continuously working under respondents for the last 15 years on muster roll basis and, therefore, he is entitled for regularisation of services. Applicant has alleged that one Mr.Thomas Devasia, who is junior to him, has already been regularised ignoring the preferential claim of applicant.

2. Learned counsel for the respondents submitted that there is a ban imposed by the Government on filling up the vacant posts therefore, the respondents are unable to regularise

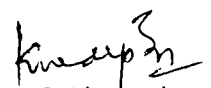
Kud

8

the services of the applicant.

3. In reply to this, learned counsel for the applicant referred to two judgements of the Tribunal in O.A. Nos.2010/2000 and 2569/99 filed by the similarly situated persons. In those case also, respondents had taken the plea that because of the ban imposed by the Government, applicants' services could not be regularised. Both the cases had been allowed with the directions to consider the case of the applicants for regularisation ignoring the plea of ban.

4. Following the judgements in the aforesaid two cases, I allow this OA with a direction to respondents to consider the case of the applicant for regularisation ignoring the plea that there is a ban on filling up the posts, 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.)

/dinesh/