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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2377 of 2000

New Delhi, this the 5th day of August, 2002

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

HON'BLE MR. M. P. SINGH, MEMBER (A)

1. Shri Jyoti Prasad, S/O  
Sh. Harparshad, R/O House  
No. 687, Pushp Vihar, Sector 3,  
M.B. Road, New Delhi.
  2. Shri Mohinder Singh, S/O  
Sh. Kishan Lal, 371, Lancer Rd.  
Timarpur, Delhi - 7.
  3. Shri Sardar Singh, S/O Late  
Sh. Ram Nareesh Singh, C 41/183,  
Janta Flats, Hero Road, N. Delhi.
  4. Shri Ambika Prasad, S/O Late  
Shri Shiv Kumar, 524 E, Gali No.  
4, Prem Gali, Babarpur, Sahadra,  
Delhi-32
  5. Shri Sahdeo Prasad, S/O  
Shri Bhulal, R/O D-370,  
Ganesh Nagar, Delhi - 92.
  6. Shri Vinod Kumar Sharma, S/O  
Late Sh. Krishan Kumar Sharma,  
R/O 1853, Kucha Khieli Ram, Imali  
Bazar, Sitaran, Delhi-6.
  7. Shri Ehoj Ram Sharma, S/O  
Pandit Net Ram Sharma, R/O  
C-454, Shrinivasपुरi,  
New Delhi.
  8. Shri Mohinder Pathak, S/O  
Late Hardwari Lal Pathak, R/O  
C-94, Mohan Garden, Uttam Ngr.,  
New Delhi.
  9. Shri Bhagwati Prasad, S/O  
Late Bachhi Ram Motiyal, R/O  
158-B, C-1, Myur Vihar, Phase  
3, Delhi-96.
  10. Shri Bhuvneshwar, S/O Late  
Shri Bhagwan Das, R/O 108-J,  
Gali No. 2, Laxmi Nagar Extn.,  
Delhi-92.
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11. Shri Shri Rampati, S/O  
Shri Dargahi, R/O D-370,  
Ganesh Nagar, Delhi-92.
12. Shri Madan Gopal, S/O  
Sh. Daulat Ram Sharma, R/O  
School Block, Bhandawli,  
Delhi.
13. Shri Babu Lal S/O Shri  
Chasi Ram, R/O 6/83, Mangol  
Puri, New Delhi- 83.
14. Shri Rajender Singh, S/O  
Shri Devi Dutt, R/O WZA- 78  
Mansha Ram Park, Nagafgarh Rd.,  
New Delhi - 59.
15. Shri Rajpal, S/O Shri  
Phul Singh, R/O E-5/135,  
East Gokul Puri, N. Delhi-94
16. Shri Raj Kumar, S/O Shri  
Rameshwar Dayal, R/O CN-126  
Baba Haridas Enclave,  
New Delhi -43
17. Shri Ramphal Sharma, S/O  
Shri Prahlad Singh, R/O  
Village & P.O. Dhara, Tahsil  
Bahadurgarh (Distt Rohtak)
18. Shri Raghuvans S/O Shri  
Shiv Singh, R/O House No.  
H-13 Hari Nagar Ext., Sorav  
Vihar, Jaitpur Road, Badarpur  
New Delhi -44.

APPLICANTS

By Advocate: Shri T.C. Aggarwal.

Versus

Union of India through

1. Secretary,  
Ministry of Information of Broadcasting,  
Shastri Bhavan,  
New Delhi.
2. Dy. Director General (Adms.)  
AIR, Parl. Street  
New Delhi.
3. Chief Engineer, Civil Construction Wing  
(OGAIR)  
PTI Building,  
Parliament Street,  
New Delhi.

By. Advocate: Sh. N. K. Aggarwal.

... Respondents.

ORDER (ORAU)By Hon'ble Mr. Kuldip Singh, Member (Judicial)

This OA has been filed by the applicants, who are Liftmen, for the inaction on the part of the respondent No.4 in not treating them as regular Government servants whereas in other organisations like CPWD etc. they have been treated as regular and not granting the benefit of ACP as granted to others.

2. The facts in brief are that the applicants belong to the category of Lift Operator who either joined respondent No.4 on transfer from CPWD or directly appointed. They have completed more than 25 years or so. It is also submitted that they are governed by the rules applicable in CPWD.

3. It is also submitted that the President vide order conveyed by the Ministry of Information and Broadcasting letter dated 20.11.1995 (Annexure A-1) directed that the same terms and conditions as applicable to the workcharged staff in CPWD shall be applicable to the employees working in CCW - office of respondent No.3.

4. It is further submitted that the Ministry of Finance as per the recommendation of Pay Commission as back as in 1960, directed that non-industrial workers be brought to the regular establishment so that they may not be deprived of the concession admissible to regular government servant.

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5. It is also submitted by the applicants that with the introduction of the ACP Scheme circulated by the Department of Personnel and Training OM dated 9th August, 1999 as the respondents have arbitrarily denied the applicants on the plea that they are work charged employees. It is submitted that the said scheme is a welfare scheme and there is no bar for the application of the same to the work charged employees who are in service for last 25 years, so the benefit of the same be extended to the applicants also.

6. It is submitted that when there was a dispute with regard to the pay scales, the Hon'ble Supreme Court admitted the parity and Ministry of Finance (respondent No.2) gave similar scale of pay to the Liftman in all the organisations under the Central Government so it is pleaded that under the promissory estoppel the Liftmen working in Chief Construction Wing are entitled to get the benefit of ACP given to the Liftmen in the CPWD.

7. For assailing the order, the applicants have taken various grounds and one of the ground taken is that the request of the applicants for conversion of worked charged post of Liftman to regular establishment has been left undecided inspite of long correspondence in the matter and the same being allowed by the Tribunal in various OAs, as such it is pleaded that the benefits of the ACP given to the Liftmen working in CPWD, may also be extended to them.

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8. The OA is being contested by the respondents. The respondents pleaded that since the applicants have not made CPWD a party so this OA suffers from non-joinder of party and the same be dismissed on this ground alone.

9. It is also submitted by the respondents that the work charged establishment of Civil Construction Wing (CCW) of All India Radio has never been treated as part of the work charged staff of CPWD. The provisions of the CPWD manual volume 3 applies to the work charged staff of CCW of AIR and was never considered as part of the CPWD, therefore, the application be dismissed against CPWD and the relief against the CPWD is misconceived.

10. That the CPWD and the CCW of AIR are working under different Ministries of the Government of India and the salaries of the work charged staff of CCW of AIR are also being charged to under different budget grants and as such the work charged staff of CCW of AIR are not part of the work charged staff of CPWD as such it is submitted that the OA be dismissed.

11. We have heard the learned counsel for the parties and gone through the records of the case.


12. The learned counsel for the applicants has relied upon a number of judgments entitled as OA Nos. 1140/99, 2464/1996, 1567/96 and 445/2000 and submitted that the relief claimed by the applicants in the present OA is fully covered by the decision given in the above




OAs.

13. On the contrary the learned counsel for the respondents denied this and submitted that they cannot be given the benefit as that was given in a particular case and which cannot be extended to others as the facts were totally different.

14. After going through the judgments and hearing the parties, we think that the OA has to be allowed as the judgments relied upon by applicant fully applies on facts and law in this case also. Accordingly, we allow the OA and direct the respondents to convert the post of Liftman from Wrocharged to regular establishment and also to extend the benefit of ACP Scheme in terms of DOP&T OM dated 9.8.99. These directions may be implemented within a period of 4 months from the date of receipt of a copy of this order. No costs.

  
(M. P. SINGH)  
MEMBER (A)

  
( KULDIP SINGH )  
MEMBER ( JUDL )

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