

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.296 of 2000

New Delhi, this the 22nd day of December, 2000

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

Shri Ganesh Sharan Sharma  
S/o Shri Gopal Saran Sharma  
R/o C/o Shri Shanker Sharma  
Kameshwar Mahadev Mandir  
Sector-VII, R.K.Puram  
New Delhi

-APPLICANT

(By Advocate: Shri S.C.Saxena)

Versus

1. The Secretary  
Ministry of Urban Development &  
Employment,  
Government of India,  
Nirman Bhawan, New Delhi
2. The Director General of Works  
C.P.W.D., Nirman Bhawan  
New Delhi
3. The Superintending Engineer(E)  
DCEC VII, CPWD East Block  
R.K.Puram,  
New Delhi
4. The Executive Engineer(E), ED IX  
C.P.W.D., East Block, R.K.Puram  
New Delhi

-RESPONDENTS

(By Advocate: Mrs.P.K.Gupta)

O R D E R (ORAL)

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

The applicant submits that he was initially appointed for a period of one month as an Enquiry Clerk on ad-hoc basis on 10.8.92. According to him, his services have been continued from time to time without interruption which shows that the respondents required his services and that his services were also satisfactory. He further submits that respondents should be restrained from terminating his services and that he should be regularised in service.

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2. The respondents have filed their reply controverting the above stand and they have also submitted that since the applicant was engaged on contract basis, this Tribunal has no jurisdiction. They have submitted that the applicant was appointed by way of a work order on contract basis as Enquiry Clerk in 1992. They further submit that as per the Recruitment Rules, the enquiry clerk has to be appointed from persons who qualify through Staff Selection Commission. However, the respondents have not denied that they had continued the services of the applicant till date.

3. In the above facts and circumstances of the case and after having considered the pleadings and submissions made by both the learned counsel, it is apparent that the respondents have continuously employed the applicant as Enquiry Clerk w.e.f. 10.8.92 without any break. There are no averments made by the respondents that his services are not satisfactory. In the circumstances, therefore, if the respondents need to employ a person as Enquiry Clerk, they shall consider the applicant's case for regularisation in accordance with the relevant rules/instructions, including the eligibility conditions, as prescribed in the rules.

4. O.A. stands disposed of with the above directions. No costs. 1

  
( KULDIP SINGH )  
MEMBER ( IUDI )

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