

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

29

OA 370/2000
with
OA 2180/2000

New Delhi, this the 30th day of April, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

OA 370/2000

1. Jai Singh
S/o Sunder Lal
R/o 56, Ambedkar Vihar
Gali No.4, Jauhari Pur
Delhi - 110 094.
2. Suraj Mal
S/o Shri Sunder Lal
R/o 56, Ambedkar Vihar
Gali No.4, Jauhari Pur
Delhi - 110 094.
3. Rajesh Kumar
S/o Shri Baru Singh
R/o Village Mohammad Pur
Alipur, Delhi - 36
4. Surender
S/o Shri Kanshi Ram
R/o H.No.12, Gali No.1
Tukemirpur Ext.
Delhi - 94.
5. Shri Krishan Kant
S/o Shri Shkula Nand
R/o B-214, Indra Enclave
AS-2/IIInd Mulearahpur Road
Delhi - 41.
6. Shri Jagdish Presad
S/o Shri Prakash Chand
R/o B-61, Rama Garden Karwal Nagar
Delhi - 94.
7. Smt. Neelam
W/o Shri Vinay
R/o H.No.1609
Jahangir Puri
Delhi.
8. Shri Diwan Singh
S/o Shri Nanda Singh
R/o Vill. Shemce Pathi Rawat
Seoum, P.O. Dhel Chouri
Distt. Pori Garhwal (U.P.).
9. Shri Anil Kumar
S/o Shri Mahinder Singh
R/o H.No.24, Vill. Bhor Garh
P.O. Narela, Delhi - 90.

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10. Shri Sher Singh
S/o Shri Fath Singh
R/o H.No.120, Vill. Tatesar
P.O. Jaunti Thana Kanjhawala
Delhi - 81.

...Applicants

(All working as Beldars & W.Coolie in
Irrigation and M.I.D. Department, Delhi
Admn., Khyber Pass, Delhi).

OA 2180/2000

1. Mahipal Singh
S/o Shri Chura Singh
R/o H.No.49, Gali No.1
Harijan Basti
Delhi - 94.
2. Indra Kumar Jha
S/o Shri Chandra Dev Jha
R/o House No.9A-132
Lalbagh, Ajadpur, Delhi - 33.
3. Pawan Kumar
S/o Gjamandi Singh
R/o D-857, Fajanpura, Gali No.20
Delhi - 53.
4. Anil Kumar
S/o Shri Jile Ram
R/o RZ-11, I-Block
Dharampura Colony
Najafgarh, New Delhi - 43.
5. Madhan Pal Singh
S/o Shri Chiranji Lal
R/o E-4/242, Nehru Vihar
Dayalpur - 94.
6. Jagadish Singh
S/o Manohar Lal
R/o Jhajjar Tilla Mohalla
Jhajjar Pur.
7. Dinesh Kumar
S/o Shri Baru Singh
R/o K-31/32, Gali No.15
West Ghonda, Delhi - 53.
8. Dharamveer
S/o Shri Deepchand
R/o RZ-126, J-Block, Purana
Roshanpura, Najafgarh
New Delhi - 43.
9. Lakshman Singh
S/o Shri Bishan Singh
R/o B-4/120, Yamuna Vihar
Delhi - 94.
10. Susheel Kumar
S/o Shri Ghamandi Singh
R/o D-857, Gali No.20
Fajan Pura, Delhi - 53.

Ys

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11. Shri Rohtas Kumar
S/o Shri Dharam Singh
R/o House No.131, Gali No.2
Purani Abadi, Ghonda Chowk
Delhi - 53.
12. Preetam Singh
S/o Thula Ram
R/o Gali No.4
Shahid Bhagat Singh Colony
Paschimi Karawal Nagar
Delhi - 94.
13. Ramji Lal
S/o Shri Basi Ram
R/o I-Block, 948
Mangala Puri, New Delhi - 83.
14. Prem Prakash
S/o Shri Nanak Chand
R/o 1443, DDA, Janatha Flats
Nanda Nagar, Delhi - 93.
15. Nand Kishore
S/o Shri Karam Singh
Village Nilonhi
Nangloi, Delhi - 41.

...Applicants

(By Advocate Shri S.K.Sinha)

V E R S U S

GOVT. OF NCT OF DELHI : THROUGH

1. Its Chief Secretary
Shamnath Marg, Delhi.
2. Chief Engineer (Flood & Irrigation)
Delhi Administration
I.S.B.T., IV Floor
Delhi.

...Respondents

(By Advocate Shri Vijay Pandita)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, VC (J)

Learned counsel for the parties have been heard further in both the OAs. Both learned counsel have submitted that the relevant issues and reliefs prayed for in the aforesaid two applications are identical. They have been accordingly dealt with together and are being disposed of by a common order.

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2. When the case was heard at length on 20-2-2002, Shri S.K.Sinha, learned counsel for the applicant had raised an issue that Clause VI of the Scheme formulated by the respondents in pursuance of the order of the Hon'ble Supreme Court dated 31-10-1988 in Rakesh Chand & Ors. Vs. Delhi Administration & Ors. in Writ Petition (Civil) No.253/1988 is contrary to the provisions of Rule 13 of the CCS (Pension) Rules, 1972 as well as the provisions of Article 14 of the Constitution. He had submitted that under this clause, only 50 % of the service rendered under temporary status would be counted for the purpose of retirement benefits after regularisation as a regular group 'D' official. This submission was controverted by Shri Vijay Pandita, learned counsel for the respondents. He has submitted that the Scheme which was formulated by the respondents was in pursuance of the order of the Hon'ble Supreme Court and has been followed in a large number of cases of persons who are similarly situated like the applicants. He had also submitted that the present controversy regarding Clause VI of the Scheme raised by the learned counsel for the applicant in the aforesaid two Original Applications, cannot be done at this stage. He has further submitted that as and when vacancies arise, the applicants' cases will be considered in accordance with the Rules and Scheme under which the learned counsel for the applicant had submitted that there is no quarrel on it.

3. Shri Vijay Pandita, learned counsel for the respondents has submitted the statement regarding 11 applicants in OA 370/2000 (Jai Singh & Ors. Vs.

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GNCT & Ors.), copy placed on record. He has also referred to the list contained in Office Order dated 4-12-2000 i OA 2180/2000, in which 4 of the applicants in that OA have been regularised w.e.f. 1-6-89 in pursuance of the orders of the Hon'ble Supreme Court dated 31-10-1988 in the aforesaid case and Scheme prepared by the respondents. He has submitted that the other applicants would be similarly considered and regularised in accordance with the Scheme, seniority and availability of vacancies, which is being done systematically. In pursuance of the Tribunal's order dated 20-2-2002, Shri Vijay Pandita, learned counsel has submitted that the relevant Scheme prepared by the respondents in pursuance of the directions of the Hon'ble Supreme Court dated 31-10-1988 and 16-11-1988 has been later placed before the Hon'ble Supreme Court in another similar Writ Petition and in S.N.Divedi Vs. Delhi Admn. & Ors. Civil Writ Petition No. 779/89. He has also produced the relevant Departmental records for our perusal. In para 5 of the counter affidavit filed on behalf of the respondents in CWP 779/89 before the Hon'ble Supreme Court, they have submitted as under :-

"5. That in pursuance of the directions, the Delhi Admn. has prepared a Scheme and in pursuance of the Scheme, it has passed orders that all the similarly situated persons like the petitioners of the Writ Petition No. 253 of 1988 be paid minimum salary from 1-7-89 and the grievance of the petitioners that they should be paid regular pay like regular worker is already being given and so the Writ Petition filed by them have become infructuous and may be dismissed".

4. Learned counsel for the respondents has relied on the Tribunal's order in Dharam Singh & Ors. Vs. Delhi Admn. & Ors. (OA 826/1992) which was

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disposed of on 9-4-97, in which one of us (Mrs. Lakshmi Swaminathan, VC (J) was also a Member) and the Order of this Bench in Devender Kumar Vs. Lt. Governor of Delhi & Ors. (OA 2632/99) which was disposed of vide order dated 17-4-2001, copies placed on record. In the order of this Tribunal dated 9-4-97 in OA 826/1992, it has been noted that in an earlier case, OA 895/92, the Tribunal had taken note of similar orders/Scheme issued by the respondents for regularisation of daily wage workers in the Irrigation and Flood Control Department, which had been issued in pursuance to the orders passed by the Hon'ble Supreme Court dated 31-10-1988 and 16-11-1988.

5. In the facts and circumstances of the case, we see no good grounds to differ from the earlier orders of the Tribunal dated 9-4-1997 and 17-4-2001, in which, it has been noted that the respondents are taking necessary action in pursuance of the aforesaid orders of the Hon'ble Supreme Court in CWP No. 253/88. The Scheme was prepared by the respondents in pursuance of the directions of the Hon'ble Apex Court which has also referred to by them before another similar Civil Writ Petition in the Hon'ble Supreme Court has, therefore, attained finality and the same is binding on us. It is also noted that the respondents are taking necessary action in respect of regularisation of the services of the applicants in their Departments in accordance with the Scheme and granted them temporary status with other benefits and regularisation in their turn, as directed in the Scheme. We, therefore, find no justification to interfere in the matter, as the Scheme has the

8/11

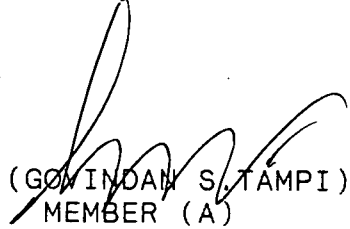
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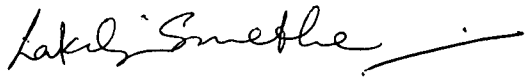
approval of the Hon'ble Apex Court.

6. In the facts and circumstances of the case, OA 370/2000 and OA 2180/2000 are accordingly

dismissed. No order as to costs.

7. Let a copy of this order be placed in OA 2180/2000.


(GOVINDAN S. TAMPI)
MEMBER (A)


(SMT. LAKSHMI SWAMINATHAN)
VICE-CHAIRMAN (J)

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