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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 845 of 2000
M.A.No.1082/2000

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

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

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- 1..All India CPWD (MRM) Karamchari Sangathan(Regd) through its President Shri Satish Kumar 34-D, D.I.Z. Area, Sector-4, Raja Bazar New Delhi-1
 - 2.Pati Raj s/o Shri Ramjas, Beldar
 - 3.Subhash Chand s/o Shri Panna Lal, Beldar(HR)
 - 4..Gorakh Nath s/o Shri Amr Nath, Beldar
 - 5.Bhauri Lal s/o Shri Pokhar Ram, Plumber
 - 6..Nafe Singh s/o Shri Maman Ram, Sewerman
 - 7.Chander Pal s/o Shri Ami Chand, Sweepar
 - 8..Dinesh Chand s/o Shri Kishan Ram, Beldar
 - 9.Ram Sahai s/o Shri Basant Ram, Sewerman
 - 10.Kailash Chand s/o Shri Kalyan Singh, Beldar
 - 11.Ramesh Kumar s/o Shri Badri Prasad, Mason
 - 12.Mukesh Kumar s/o late Shri Gopi Ram, Beldar
 - 13.Shakti Chand s/o Shri Ridku Ram, Cook-cum-Care Taker
 - 14.Saroop Singh s/o Shri Uttam Singh, MLD
 - 15.Ram Achal s/o Shri Ram Lal, Painter
 - 16.Govind Singh s/o Shri Jeet Singh, MLD
 - 17.Kishan Singh s/o Shri Charan Singh, Plumber
 - 18.Tek Chand s/o Shri Kishan, Beldar
 - 19.Mohar Singh s/o Shri Kichhu Lal, Plumber
 - 20.Harkesh s/o Shri Subh Ram, Plumber
 - 21.A.K.Mishra s/o Shri Chuttan Mishra, Beldar

Applicants No.2 to 21

Care of - All India CPWD (MRM) Karamchari Sangathan
(Regd), through its President Sh. Satish Kumar
34-D, D.I.Z. Area, Sector-4, Raja Bazar,
New Delhi-1

-APPLICANTS

(By Advocate: Ms. Shilpa Chauhan, proxy for Shri Naresh Kaushik)

Versus

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1. Union of India
through its Secretary
Ministry of Urban Affairs & Employment
Nirman Bhawan, New Delhi-11
2. The Director General of Works,
C.P.W.D., Nirman Bhawan,
New Delhi-11

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-RESPONDENTS

(By Advocate: Shri K.C.D. Gangwani)

O R D E R

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

M.A.1082/2000 for joining together is allowed.

2. The applicants which is Karamchari Sangathan alongwith certain individuals i.e. applicants 2 to 21 have filed the present OA under Section 19 of the Administrative Tribunals Act seeking following reliefs:

- "(a) issue appropriate orders, directions, directing the respondents to regularise the services of the members of the applicant no.1 as per Annexure - 1 to this application with effect from the date of completion of 1 year in service; and
- (b) issue appropriate order or directions directing the respondents to grant the workman (as per Annexure-1) the same pay/salary, benefits and allowances as per admissible/payable to their regular counterparts with effect from the date of their initial employment alongwith arrears and all consequential benefits."

3. The main grievance of the applicants is that they have been working with respondents for the last so many years on muster roll but still they are not being regularised.

4. The O.A. is being opposed by respondents. They have submitted that the case is bad for non-joinder of necessary parties. Besides that, it is stated that

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the regularisation of the applicants cannot be made since a ban has been imposed w.e.f. 19.11.85 by the Government of India and there are no regular vacancies available. It is submitted that applicants are to be regularised under relevant recruitment rules and as per seniority after lifting of ban and sanction of the posts by Government of India. It is stated that all the applicants are being paid wages equal to their counterparts in regular establishment with all admissible allowances.

5. I have heard learned counsel for the parties and gone through the records.

6. Learned counsel for the applicants has referred to a judgement given in OA-1550/99 filed by similarly situated persons, wherein similar prayer for regularisation of their services was made.

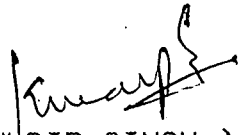
7. As regards the fact that these applicants are working on muster roll for a long time, the same is not disputed. Rather the respondents have submitted that these employees are being paid wages and allowances equal to their counterparts in regular establishments. As far as question of regularisation is concerned, respondents have submitted that there is a ban on recruitment of daily rated workers and vacancies are not available, so the applicants cannot be regularised at this stage.

8. Considering all the facts and circumstances of the case, this OA can be disposed of with a direction to respondents to consider the applicants' case for

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regularisation in their turn from the date vacancy becomes available and in accordance with the rules and instructions on the subject. I order accordingly. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

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