

Central Administrative Tribunal  
Principal Bench

CP 167/2004 In  
OA-1910/2000

23

New Delhi this the 9<sup>th</sup> day of November, 2004

Hon'ble Shri V.K. Majotra, Vice Chairman (A)  
Hon'ble Shri Shanker Raju, Member (J)

Ramesh Kumar,  
S/o Shri Ram Kishan,  
R/o B-221, Vikas Nagar,  
Uttam Nagar,  
New Delhi.

-Applicant

(By Advocate Shri S.M. Garg)

-Versus-

1. Shri D.K. Biswas,  
Secretary,  
Ministry of Agriculture,  
(Department of Agriculture, Animal  
Husbandary and Dairying),  
Krishi Bhawan,  
New Delhi-110001.

2. Shri N.A. Saikh,  
General Manager,  
Delhi Milk Scheme,  
Patel Nagar,  
New Delhi-110008.

-Respondents

(By Advocate Shri S.M. Arif)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice Chairman (A)

OA-1910/2000, among others, was disposed of vide order dated 8.5.2001

(Annexure P-I) with the following observations/directions to the respondents:-

“(1) The respondents while counting the period of actual working days of the applicants (Badli workers) shall also add the number of weekly offs and three National holidays in the number of actual working days of the applicants, if not already counted and out of those workers who are found to have completed 240 days then in accordance with the provisions of para 4 (iii) of the standing orders, the said Badli Worker shall be transferred to the regular establishment; and

(b) Applicants will not be entitled for any back wages.

10. The above directions shall be implemented by respondents within a period of three months from the date of receipt of a copy of this order. No costs.”

24

2. Learned counsel for respondents stated that Hon'ble High Court had affirmed Tribunal's orders. He further stated that the year 1999 has been taken as a year for calculation whether applicants had completed 240 days or not as pleaded in the OA. According to the respondents, none of the four applicants had completed 240 days attendance taking into account Sundays and National Holidays and as such they were not found eligible for regularization in Delhi Milk Scheme in a regular post. Respondents have, thus, vide Annexure R-I dated 5.11.2003 passed orders in compliance of Tribunal's directions rejecting applicants' case for regularization in service.

3. Considering the orders passed by the respondents as also their reply affidavit, respondents have complied with directions of this court and passed orders. Thus, contempt proceedings are dropped. Notices to the respondents are discharged, however, applicants shall have liberty to take recourse to legal action, if they are aggrieved by respondents' action and orders.

S. Raju  
(Shanker Raju)  
Member (J)

cc.

V.K. Majotra  
(V.K. Majotra)  
Vice Chairman (A)

9.11.04