

(28)

Central Administrative Tribunal
Principal Bench

C.P. No. 399 of 2000
M.A. No. 744 of 2001
M.A. No. 2290 of 2001
M.A. No. 2657 of 2001
in

O.A. No. 147 of 2000

New Delhi, dated this the 6th February 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

In the matter:

Dilip Kumar Shukla & Others .. Applicants

(By Advocate: Shri S.M. Garg)

Versus

Shri B.B. Garg .. Respondent

(By Advocate: Shri V.S.R. Krishna)

ORDER

S.R. ADIGE, VC (A)

Heard both sides on C.P. No. 399/2000 and connected M.As alleging contumacious non-compliance of the Tribunal's order dated 11.9.2000 in O.A. No. 147/2000.

2. By that order, respondents had been directed as under:

" As and when applicants complete 240 days, respondents should consider adjusting them against existing vacancies or by creating supernumerary posts. Learned counsel for the respondents, however, assures that respondents are actually considering the cases of the applicants for regularisation on priority basis. In view of this I direct the respondents to do so within a period of 3 months from the date of receipt of a copy of this order. In case no vacancies arise, supernumerary posts to the extent necessary be created to adjust the applicants who have put in more than 240 days of attendance in one year."

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3. By order dated 19.9.2001 (Annexure R-1) respondents have transferred seven applicants namely applicant No. 2, 3, 4, 6, 8 and 12 of the 17 applicants in the O.A. who are stated to have completed 240 days in attendance to the regular establishment on provisional basis, subjecting them regular appointment to their fulfilling the statutory requirements prescribed under the Recruitment and other Rules.

4. Meanwhile respondents in their M.A. dated 3.12.2001 themselves admit that the Tribunal in its order dated 23.10.2001 read with its earlier order dated 11.9.2000 has directed respondents to consider the cases of applicants for transfer to regular establishment on completion of 240 days as per certified standing orders, and while making the computation, Sundays and other holidays should also be taken into account for arriving at the total number of days put in by applicants. Respondents state that pursuant to the above, the cases of the remaining 10 applicants in the O.A. has been recomputed by taking into account Sundays and other holidays and as a result of such recomputation it has been found that the remaining 10 applicants have not put in the required 240 days of engagement and are, therefore, not entitled for transfer to regular establishment. It is also submitted by respondents that inclusion of Sundays and other holidays in the case of these 10 remaining applicants is without

prejudice to respondents' rights to agitate for non-inclusion of Sundays and other holidays in the writ petitions pending before the High Court.

5. The remaining 10 applicants have also been informed accordingly vide letter dated 1.12.2001, copy annexed with additional affidavit dated 3.12.2001.

6. We dispose of this C.P. calling upon respondents to furnish to each of the remaining 10 applicants details of the number of days of engagement for the relevant period put in by them after including Sundays and holidays, based upon the recomputation undertaken by respondents. If applicants are aggrieved with the details communicated to them by respondents pursuant to these directions, it will be open to the remaining 10 applicants to challenge the same separately in accordance with law if so advised. These details should be supplied to the remaining 10 applicants within two months from the date of receipt of a copy of this order.

7. Subject to what has been stated in para 6 above the C.P. and connected M.As are dropped. Notices are discharged.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

karthik