

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 1868/88

Date of decision: 23.04.1992

Shri Gainda Ram

...Applicant

Vs.

Employees State Insurance Corporation

...Respondents

For the Applicant

...Shri V.P. Gupta, Counsel

For the Respondents

...Shri D.P. Malhotra, Counsel

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*

2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

We have heard the learned counsel of both parties. The facts of the case in brief are that the applicant has worked as a Mali in the Regional Office of the Employees State Insurance Insurance Corporation (ESIC) at Faridabad from 07.03.1988 onwards. His services were sought to be terminated with effect from 29.09. 1988. However, he is continuing as a Mali even today on the basis of an interim order passed by the Tribunal on 27.09.1988. The applicant was appointed after a selection made by the respondents out of the candidates sponsored by the Employment Exchange, Faridabad. His grievance is that he has not been appointed on a regular basis and that he has also not been given regular scale of pay of Mali. He has also alleged that the respondents had

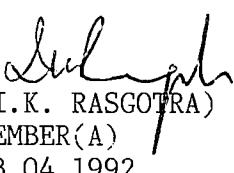
sent a requisition to the Employment Exchange for sponsoring fresh candidates. No fresh candidate has been appointed in view of the stay order passed by the Tribunal.

2. The learned counsel for the respondents submitted that the Regional Offices have been given power to engage part-time Malis on payment of Rs.200/- per month and that the Regional Office of ESIC at Faridabad does not have enough work for engaging a full-time Mali. He further states that there is no post of Mali there.

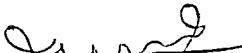
3. After hearing both sides, we are of the opinion that the applicant, who has served as a Mali from 7.3.1988 onwards without any complaint about his satisfactory work, deserves to be regularised in a category 'D' post in relaxation of the rules, in case no regular post of Mali is available in which he could be accommodated. Accordingly, the application is disposed of with the direction to the respondents to consider appointing the applicant in a ~~regular~~ category 'D' post in relaxation of the rules to the extent necessary. After the applicant has been so appointed on a regular basis, he should also be given the regular pay scale of a regular employee in Group 'D' category. Till then, he should be given the wages prescribed under the administrative instructions issued by the Department of Personnel & Training from time to time.

4. The respondents shall comply with the above directions as expeditiously as possible, but preferably within a period of 4 months from the date of communication of this order.

There will be no order as to costs.


(I.K. RASGOTRA)
MEMBER(A)
23.04.1992

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(P.K. KARTHA)
VICE CHAIRMAN(J)
23.04.1992