Court No. 3.

CENTRAL ADMINISTRATIVE TRIBUNAL, NEW DELHI.

****

Registration (O.A.) No. 1844 of 1988

Bihari Lal ..... Applicant.

Versus

Secretary, Department of Food,
Krishi Bhavan, New Delhi .... Respondent.

Connected with

Registration (O.A.) No. 1873 of 1988

Shakuntla Devi ..... Applicant.

Versus

Secretary, Department of Food,
Krishi Bhavan, New Delhi. .... Respondent.

Connected with

Registration (O.A.) No. 1877 of 1988

Mehak Singh .... Applicant.

Versus

Secretary, Department of Food,
Krishi Bhavan, New Delhi .... Respondent.

****

Hon'ble K.S. Puttaswamy, V.C.
Hon'ble Ajay Johri, A.M.

(Delivered by Hon. K.S. Puttaswamy, V.C.)

These are the applications made by the applicants under Section 19 of the Administrative Tribunals Act, 1985 (Act).

2. In all these cases there was an ex parte ad interim order of stay, which have come up before us to-day for continuance or otherwise of the ex parte earlier interim orders made in these cases. But, as agreed to by both the sides, these cases are treated as listed for final hearing to-day and are accordingly heard.

3. As the questions that arises for determination in these cases are similar, we propose to dispose of these cases by a common order.

4. All the applicants claim to be working as Daily Wage Labourers (DWL) in the Department of Food, Ministry of Food & Civil Supplies of Government of India for different periods, the details of which are not necessary, Apprehending that their services would be terminated from 30.9.1988, the applicants approached to this Tribunal for proper orders. All these applications have been admitted by this Tribunal. On admitting these applications, this Tribunal had directed the maintenance of status quo or their continuance in service. In pursuance of the earlier interim orders made, all the applicants are being continued.

5. Sri P.K. Saxena, learned counsel for the applicants, contends that his clients were performing the very duties performed by similarly situated employees of the department and they were entitled for regularisation and for payment of equal pay, as extended to others performing similar duties.

6. Sri P.H. Ramchandaran, learned Senior Advocate, appearing for the respondents, while refuting the contentions of Sri Saxena, contends that the applicants were neither entitled for regular employment nor for payment of equal wages, as claimed by them.

7. On the claims of the applicants for regularisation, the competent authority has not so far considered their cases for regularisation and has not passed his orders one way or the other. Sri Ramchandaran does not rightly dispute that there are executive orders regulating regularisation of DWL in the department. If that is so, then it [illegible] necessarily

follows that the cases of the applicant for regularisation has to be considered and appropriate orders be made. Before making those orders it would be proper for the authority to give an opportunity to the applicants to state their cases supported by such documents, as they propose to place in support of their respective cases.

8. We consider proper to grant time to the applicants to make their representations till 31.10.1988.

9. Before examining the cases of the applicants for regularisation and make his orders, we consider proper to direct the respondent to continue the applicants on the very status they have been earlier engaged.

10. We are of the view that the applicants, who have accepted the engagements or appointments on the terms of offer by the department, are not entitled to claim the benefit of equal pay. We, therefore, reject the claim of the applicants for equal pay.

11. In the light of our above discussions we make the following orders and directions :-

(i) We direct the respondent, or the other competent officer, who is competent to deal with the same, to consider the cases of the applicants for regularisation in terms of the orders regulating the same, with all such expedition as is possible in the circumstances of the case and in any event on or before 30.11.1988.

(ii) But till the respondent or the competent officer considers the cases of the applicants and makes his orders, the respondent or his subordinate shall continue the services of the applicants in the same status in which they have earlier been engaged.

(iii) We permit the applicants to file their representations with all such documents as they propose to place before the respondent on or before 31.10.1988.

(iv) We dismiss these applications insofar as the claim equal pay for equal work.

12. The applications are disposed of in the above terms. But, in the circumstances of the case we direct the parties to bear their own costs.

MEMBER (A).

VICE-CHAIRMAN.

Dated: October 11, 1988.

PG.