

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 813/88
T.A. No.

199

17th Sept., 1993

DATE OF DECISION

Shri Sushil Chander & Ors.

Petitioner

None

Advocate for the Petitioner(s)**Versus**

Lt. Governor, Delhi Admn. & Ors.

Respondent

None

Advocate for the Respondent(s)**CORAM**

The Hon'ble Mr. J.P. Sharma, Member (J)

The Hon'ble Mr. B.K. Singh, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT (ORAL)

The applicant No.1, Shri Sushil Chander Gaur and applicant No.2, Shri Om Dutt Sharma, were working as salesmen-cum-labourer in the office of Excise Department of Delhi Administration. By the circular dated 21st January 1988, the Deputy Commissioner of Excise, Delhi had invited applications for filling up vacancies of Salesman. Apprehending termination of their services the present application was filed on 4th May 1988. The prayer made by the applicants

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in the application is for regularisation of the services of the applications as salesmen-cum-labourers on the date of their initial appointment and also for apppointment of salary and allowances. It was further prayed that the services of the applicants be not retrenched. An M.P. No. 824/88 was also moved under Section 4(5) of the Central Administrative Tribunal (Procedure) Rules, 1985 praying that the persons mentioned in annexure 'B' and 'C' attached to the application be also allowed to join in the CA.

2. The respondents contested the application and filed their reply. It is stated that there are only 45 posts of salesman sanctioned for the Country Liquour Scheme. These posts are filled up in accordance with the recruitment rules by deputation from amongst the group 'D' employees of Delhi Administration with 9 years regular service in the grade. The applicants are only daily wagers and they are paid wages as unskilled workers/helpers. The respondents have made a proposal to the Government (para: (iv) at page 6 of their reply). It is stated that none of the daily wagers can be considered for the post of salesman firstly because there is no vacancy of salesman under the Country Liquour Scheme and secondly because the applicants are unskilled workers. It was therefore prayed that the application

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be dismissed. The applicants have also filed rejoinder.

3. We have gone through the pleadings of the parties and perused the records carefully. The Bench by its interim order dated 16.12.88 on the MP 2178/88 passed the following order:

" Heard the learned counsel of both parties. By our order dated 27.5.88, we had directed the respondents that they should not revert the applicants from their present posts which they had been holding for the last 9 years. The ld. counsel for the respondents stated that a scheme has been drawn up by the respondents according to which 40 posts of Helpers would be filled up on regular basis. However, this decision cannot be implemented by the respondents because of our stay order. The underlying purpose of our order was that those who were working with the respondents for about 9 years should not be thrown out of employment. In modification of our earlier order, we clarify that the respondents are not precluded from regularising the applicants to the extent possible. In respect of those who cannot be regularised for want of vacancies, the respondents should identify the alternative employment for the persons who cannot be regularised in the manner proposed by them and the persons concerned should be offered alternative jobs wherever available with the respondents. Till the persons concerned are given alternative jobs, none of them should be reverted from the existing posts. MP is disposed of on the above lines. A copy of this order may be given to the ld. counsel for both the parties asti."

This order itself disposed of this application with regard to relief claimed by the applicants. There are definite rules for recruitment of salesmen in the Excise Department.

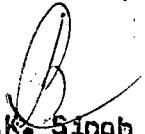
4. In view of the above interim order the respondents were directed to regularise the services of the applicants ^{been} and those who had working for about 9 years could not be thrown out of employment. These applicants who were eligible according to the recruitment rules annexed with the reply and having put in 9 years continuous service have to be given the benefit of regularisation provided the vacancies are available. The interim order dated 16.12.88 has also ~~dismayed~~ protected the interest of those who were not regularised in the manner proposed by the respondents in their counter. In the interim order it was directed that those who cannot be considered for regularisation for want of vacancies should be provided with alternative jobs wherever available with the respondents. It was also ordered that none of them should be thrown out of employment without providing alternative jobs. It would be recalled that the M.P.No.27/8/88 moved by the respondents for vacation of interim order dated 27.5.88 whereby the Tribunal ordered that the applicants should not ^{be} reverted during the pendency of the application and until further orders.

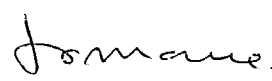
5. Since none is present on behalf of the applicants to press their points, it appears that the Scheme of regularisation

proposed by the respondents has been given effect to and
no grievance subsists to the applicants.

The present application is therefore disposed of
in terms of the interim order passed by this Tribunal on
16.12.1988.

Costs on parties.


(B.K. Singh)
Member(A)


(J.P. Sharma)
Member (J)

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