

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. 713/2019



Order Reserved on: 26.02.2021
Order Pronounced on: 03.03.2021

(Through Video Conferencing)

Hon'ble Ms. Aradhana Johri, Member (A)

Sh. Ashish Kumar
Aged about 26 yrs.
S/o Sh. Fateh Singh
R/o H. No. 179, Village – Singhola
Post office, Narela, Delhi – 110040.
Group 'C' Designation as 'Beldar'

.. Applicant

(By Advocate : Shri T.D. Yadav)

Versus

1. New Delhi Municipal Council
through Chairman
Palika Kendra, Connaught Place
New Delhi.
2. The Executive Engineer
O/o The Executive Engineer (BM-II)
Civil Engineering Department
New Delhi Municipal Council
322, 3rd Floor, S.B.S. Place
Gole Market, New Delhi.

...Respondents

(By Advocate : Ms. Sriparna Chatterjee)

ORDER

The applicant was appointed by the respondents on Temporary Muster Roll in 2011. As per the applicant, he is not working since 15.03.2014 and his services have been verbally terminated. He has given legal notice and representations and filed this OA seeking to be reinstated, to be regularised as 'Beldar' from the date of his juniors, and granted all consequential benefits.

2. The grounds taken by the applicant are that no show cause notice was issued and the juniors of the applicant are still working till date. However, when he was asked regarding the seniority list, he stated that he is not pressing this relief.

3. The respondents have denied the claims of the applicant. They have stated that he was engaged on Temporary Muster Roll for which persons are engaged on daily wage basis as per requirement at the site. When the requirement ceases, their services are dispensed with. Accordingly, the services of the applicant were no longer required after 15.03.2014. Since he was on a Temporary Muster Roll, statutory provisions are not applicable because engagement of this category is purely



on the basis of work, there being no work in the case of applicant, his services were dispensed with. They have also filed Minutes of the meeting dated 15.12.2014 under the Chairmanship of Chairman, NDMC in which, it was clearly decided that no fresh Temporary Muster Rolls (TMRs) are to be recruited under any circumstances *except* on compassionate ground. TMRs working shall be removed and replaced with workers granted Regular Muster Roll (RMRs) status by the CGIT cell. Respondents have also relied on circular dated 14.08.2015 issued by the CGIT cell, which reiterated the decision for removal of any TMRs who were working and that they had to be replaced with RMR workers.

4. Heard Shri T.D. Yadav, learned counsel for the applicant and Ms. Sriparna Chatterjee, learned counsel for the respondents.

5. It is not disputed that the applicant was on Temporary Muster Roll. The applicant has not filed any seniority list or cited any case of a junior to the applicant being employed. In fact during the course of arguments, learned counsel for the applicant said he did not press the claim for regularisation on the grounds of juniors getting the same benefit. It is abundantly clear that



Temporary Muster Roll workers are engaged only on the basis of workload. There has been no discrimination with the applicant since it was a policy decision of the respondents to discontinue all TMR workers on the basis of work demands. No person junior to the applicant has been recruited. Furthermore, if services of any more workers were required in the interest of workload, RMR workers, whose claim is much higher than TMR workers, were to be engaged.

6. I am of the view that the action of the respondents cannot be faulted. There is no merit in the OA, which is dismissed.

7. No order as to costs.

(Aradhana Johri)
Member (A)

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