

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-2043/90

Date of decision: 26.2.1992

Shri Babu Singh

.... Applicant

Versus

Director General of
Works, C.P.W.D. & Ors.

.... Respondents

For the Applicant

.... Shri D.R. Gupta, Counsel

For the Respondents

.... Smt. Raj Kumari Chopra, Counsel.

CORAM:

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

The Hon'ble Mr. B.N. Dhoundiyal, 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))

The applicant, who has worked as an Assistant Wireman on daily wages in the office of the respondents, is aggrieved by the impugned order dated 16.5.1990, whereby the applicant was informed that he could not be engaged on muster roll in view of the ban imposed by the Government. He has sought for his reinstatement with all consequential benefits.

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2. The applicant was initially engaged as Wireman on daily wages w.e.f. 16.4.1984. He was removed from service w.e.f. 15.9.1985 along with one, Shri Abdul Aziz. Shri Abdul Aziz raised an industrial dispute which ended in a compromise. Thereafter, he moved the Madhya Pradesh High Court for its implementation and the Madhya Pradesh High Court, vide its judgement dated 11.8.1989 in MP-373/87, directed the respondents to re-employ the applicant as Assistant Wireman. The applicant has stated that Shri Abdul Aziz was appointed much after the date of his appointment, and that he being senior to Shri Abdul Aziz, should have been reinstated before him. The applicant has alleged that this has resulted in discrimination and violation of the provisions of Articles 14 and 16 of the Constitution.

3. The case of the respondents is that the application is barred by limitation as the applicant was disengaged from service w.e.f. 15.9.1985 and the present application was filed on 1.10.1990. On merits, they have stated that there is a complete ban on engagement of muster roll workers and that the case of Abdul Aziz is distinguishable as he had raised an industrial dispute which had resulted in a settlement.

4. We have carefully considered the matter. In our opinion, the judgement of the Madhya Pradesh High Court

does not lay down the law to be followed in similar cases. The case related to a particular employee who had raised an industrial dispute and the Madhya Pradesh High Court directed that the employee concerned should be reinstated in service.

5. During the arguments, our attention was drawn to a circular issued by the respondents on 6.9.1988, whereby muster roll workers of the C.P.W.D. are to be regularised pursuant to the observations made by the Supreme Court in its judgement dated 17.1.1986 in the case of Surinder Singh & Others Vs. Engineer-in-Chief, 1986 SCC (L&S) 189. The authorities concerned have been requested to scrutinise the records of muster roll workers and finalise the trade test, etc., so that their regularisation is taken up immediately after the creation of posts for which a proposal was stated to be pending with the Government.

6. The application is disposed of with a direction to the respondents to consider the case of the applicant for engagement as Assistant Wireman on daily wages in accordance with the scheme prepared by them for implementing the judgement of the Supreme Court in Surinder Singh's case. The interim order passed on 5.10.1990, directing the respondents to consider engaging the applicant as Assistant Wireman in case any vacancy exists, in preference

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to outsiders, is hereby made absolute.

7. There will be no order as to costs.

B. N. Dhoundiyal
(B.N. Dhoundiyal)
Administrative Member

P.K. Kartha
26/2/82
(P.K. Kartha)
Vice-Chairman (Judl.)