

(21)

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2285/90

New Delhi this the 28th Day of July, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

1. Roop Chand,
S/o Sh. Fakir Chand
2. Ajay Anand,
S/o Sh. Aujun Dass
3. Manoj Kumar,
S/o Sh. Nanak Chand
4. Indrajit,
S/o Sh. Babulal
5. Surender Kumar,
S/o Sh. Chanshyam
6. Darshan Lal,
S/o Sh. Raghuvir Singh
7. Alok Kumar,
S/o Sh. Nanak Chand
8. Sarala Devi,
W/o Sh. Onkar Singh
9. Saraswati Devi,
W/o Sh. Narendra Kumar
10. Manoj Kumar,
S/o Sh. Krishan Singh
11. Chander Pal,
S/o Sh. Chotela
12. Shiv Kumar,
S/o Sh. Mahar Chand
13. Sunil Kumar,
S/o Sh. Tej Pal
14. Jay Bhagwan,
S/o Sh. Ganga Prasad
15. Rajender Kumar,
S/o Sh. Prem Raj
16. Vashu Dev,
S/o Sh. Badhu Singh
17. Ashok Kumar,
S/o Sh.
18. Vinod Kumar,
S/o Sh. Ramji Lal

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19. Surender Kumar,
S/o Sh. Banarasi Das
20. Raj Kumar,
S/o Sh. Jaiprakash
21. Govind Singh,
S/o Sh. Meher Singh
22. Shanti Devi,
W/o Sh. Surjeet Singh
23. Pradeep Kumar,
S/o Sh. Banarashi Dass
24. Santosh Pal,
S/o Sh. Harpal Singh
25. Ravinder Kumar,
S/o Sh. Omi Lal
26. Saran Kumar,
S/o Sh. Kishan Lal
27. Ram Singh,
S/o Sh. Mata Deen
28. Shashi Prabha Pandey,
W/o Sh. Rama Kant Pandey
29. Dalip Kumar,
S/o Sh. Umashankar
30. Indrajit,
S/o Sh. Anand Ram
31. Prakash Chand,
S/o Sh. Dinesh Chand
32. L.C. Mukherjee,
S/o Sh. Gajanand Mukherjee
33. Rajinder Singh,
S/o Sh. Dhan Pal
34. Inder Singh,
S/o Sh. Gyan Chand
35. Gopal Singh,
S/o Sh. M.S. Rana
36. Anil Kumar,
S/o Sh. Chunni Lal
37. Subhash Chand,
S/o Sh. Prem Chand
38. Pavitri Joshi,
W/o Sh. Mohan Singh Joshi
39. Sobha,
W/o Sh. Ghanshyam

Contd. 3.

40. Mohandevi
W/o Sh. Mangal Sen
41. Pitam Singh,
S/o Sh. Tikamber Singh
42. Jagat Singh,
S/o Sh. B.S. Rawat
43. Tikamram,
S/o Sh. Mamchand
44. Narender,
S/o Sh. Surender Singh
45. Harichand,
S/o Sh. Tejram
46. Fulkumari,
W/o Sh. Amilal
47. Partap Singh,
S/o Sh. Baliram
48. Narayan Das,
S/o Sh. Daraga Das
49. Vimla,
W/o Sh. Subhash Chand
50. Sarooj,
W/o Sh. Madanlal
51. Naresh Kumar,
S/o Sh. Sitaram
52. Rekha,
W/o Sh. Kumar Sain
53. Laljit Kumar,
S/o Sh. Gopi Chand
54. Sanjay,
S/o Sh. Shyam Lal
55. Shanti Devi,
W/o Sh. Surjeet
56. Simla,
W/o Sh. Shyam Sunder
57. Lal Chand,
S/o Sh. Ganpat
58. Urmila,
W/o Sh. Ranjeet
59. Madhu,
W/o Sh. Vinod
60. Vishnu,
S/o Sh. Bharat Singh

61. Kamla,
W/o Sh. Inder Pal

62. Darshna,
W/o Sh. Sher Singh

63. Mayabati,
W/o Sh. Amar Singh

...Applicants

(By Advocate Sh. L.K. Singh though none appeared)

Versus

Union of India through:

1. Lt. Governor, Delhi,
Raj Niwas, Delhi

2. Delhi Administration
through Secretary,
(Medical) 5, Sham Nath Marg,
New Delhi.

3. Medical Supdt.,
L.N.J.P.N. Hospital,
New Delhi.

4. Ravinder Kumar,
S/o Sh. Ishwar Lall,
R/o 2208, Gali Ravidas Sadar Bazar,
Teliwara, Delhi.

...Respondents

(By Advocate Sh. Raj Singh)

ORDER (Oral)
Hon'ble Mr. N.V. Krishnan:-

The 63 applicants before us have stated that by the impugned order dated 9.10.90 Nursing Orderly who were junior to the applicants have been appointed on a regular basis ignoring their claim. Hence, they have sought a declaration for quashing of the appointment made by the order dated 9.10.90 being arbitrary and illegal and also for a direction to the respondents to appoint them.

2. On 21.4.95, the case was taken up when none was present for the applicants. The learned counsel for the respondents was present on that date. We saw

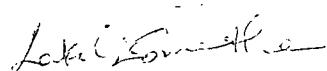
the judgement dated 5.6.90 in OA-2013/89, which is referred to by the applicants. The Tribunal directed the respondents to prepare a scheme for regularisation and absorption of the daily wages employees engaged by them in Group 'B' posts.

3. In the reply filed on 25.4.91 by the respondents opposing the application the respondents have stated that most of the applicants have been regularised in pursuance of the above judgement.

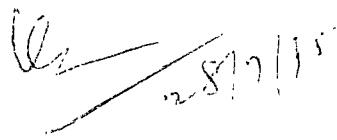
4. We, therefore, called for further information as to whether the scheme has been prepared, whether all the applicants have been regularised and whether additional posts have been created as mentioned in the earlier reply. The additional affidavit now filed states that the scheme was prepared and the applicants who have completed 240 days' of service in a year and who fulfil the other requisite qualifications have been regularised in the light of the earlier judgement. Thus 26 of the applicants have been regularised who satisfy this eligibility condition. In the case of 7 applicants the matter is ~~since~~ ^{in view of} sub judicato. Others do not fulfil the condition and also they are not working in the hospital at present.

5. In the circumstances, we are of the view that as the applicants themselves have not been appearing before us on the last several occasions and the

additional affidavit now filed by the respondents, we are satisfied that this application has no merit and accordingly it is dismissed. No costs.



(Smt. Lakshmi Swaminathan)
Member(J)


2/28/71

(N.V. Krishnan)
Vice-Chairman(A)

Sanju