

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

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Regn. No. OA 2532/1990

Date of decision: 22.03.1993

Shri Hari Kishan and Others

...Applicants

Versus

The Secretary, Government of  
India, Department of Non-Conventional  
Energy Sources, Ministry of Energy,  
Lodhi Road, New Delhi & Another

...Respondents

For the Applicants

...Shri D.R. Gupta  
Counsel

For the Respondents

...Shri M.L. Verma  
Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN

THE HON'BLE MR. I.K. RASGOTRA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr. Justice  
S.K. Dhaon, Vice Chairman(J))

Six applicants joined in this application.

They have a common case that they were employed against Group 'D' posts in the Solar Energy Centre and they belong to the Scheduled Caste Community. Their principal prayer was that the respondents be directed to regularise them against Group 'D' Posts.

2. A reply has been filed on behalf of the respondents. Counsel for the parties have been heard. The learned counsel for the applicant states that this application is now being pressed only on behalf of applicant

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Nos. 4 and 5, namely, S/Shri Ghammi and Har Bir. The applicant No. 6 Shri Ravinder Kumar is dead.

3. In the counter-affidavit filed on behalf of the respondents, it is averred that Applicants Nos. 1, 2 and 3, namely, S/Shri Hari Kishan, Ombir and Mohanti have got the necessary reliefs during the pendency of this application and their services have been regularised against Group 'D' posts. In relation to applicants Nos. 4 and 5, respondents case is that there are no further vacancies in Group 'D' posts and, therefore, they cannot be considered for regularisation. On the contrary, counsel for the applicants states that there are 3 vacancies in the said Group 'D' posts. Be that as it may, it will be very difficult, if not impossible, to record a definite finding whether any vacancy exists or not. However, we make it clear that the respondents shall take steps to regularise in accordance with law the services of S/Shri Ghammi and Har Bir if and when any vacancy arises in Group 'D' post. We further direct that, until the services of S/Shri Ghammi and Har Bir are regularised, they shall be paid the minimum wages as admissible to Group 'D' employees if they are not already being paid on that basis.

With these directions we dispose of this

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application finally but without any order as to costs.

*Arif Ali*  
(I.K. RASOTRA)  
MEMBER (A)

22.03.1993

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(S.K. DHAON)  
VICE CHAIRMAN (J)  
22.03.1993

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