

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA-2270/91

Date of decision: 08.05.1992

(A)

Shri Prem Singh .... Applicant

Versus

The Director General, .... Respondents  
E.S.I. Corp. & Anr.

For the Applicant .... Shri K.L. Bhatia, Counsel

For the Respondents .... Shri D.P. Malhotra, Counsel

CORAM:

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

The Hon'ble Mr. I.K. Rasgotra, 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*

(Judgement of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice-Chairman)

We have heard the learned counsel for both the parties and have gone through the records of the case carefully.

2. The applicant has worked as Chowkidar on daily-wage basis in the office of the respondents. He is claiming regularisation against Group 'D' post and for regular pay-scale. He is continuing in service pursuant to the interim order passed by the Tribunal on 1.10.1991.

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3. Applications filed by two other persons similarly situated were disposed of by judgement dated 23.4.1992 (OA-No.826/91 - Kamlesh Prakash Vs. Director General, E.S.I.C. and Another).

4. The stand of the respondents in their counter-affidavit is that though sanctioned posts of Chowkidars are available, a policy decision has been taken by them to entrust the security work to a private agency so as to ensure that the security in the hospital is tightened. The learned counsel for the respondents mentioned that of late, there had been some lapses in regard to security in the hospital.

5. We have considered the matter. In our opinion, where the work is of perennial nature, as in the case of work entrusted to Chowkidars, it would not be legally permissible to entrust the same work to a private agency. There will, however, be no objection of engaging a private agency without detriment to the persons who have already worked as Chowkidars on daily-wage basis.

6. After hearing both sides and following a ratio in the judgement of this Tribunal dated 23.4.1992, mentioned above, the application is disposed of with the direction to the respondents to consider engaging the applicant as Chowkidar on regular basis, if he is found suitable for

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such regularisation in accordance with E.S.I.(Recruitment) Regulations, 1965 in all respects. The respondents shall comply with the above directions as expeditiously as possible and preferably within a period of 4 months from the date of receipt of this order. The interim order passed on 1.10.1991 is hereby made absolute with the above observations.

7. There will be no order as to costs.

*Subhash*  
(I.K. Rasgotra) 8/5/92  
Administrative Member

*Subhash*  
8/5/92  
(P.K. Kartha)  
Vice-Chairman(Judl.)