

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2949/91

DECIDED ON : 6-8-93

Sabir

... Applicant

Vs.

Union of India & Ors.

... Respondents

CORAM :

THE HON'BLE MR. JUSTICE S. K. DHAN, V.C.(J)

THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

Shri T. C. Aggarwal, Counsel for Applicant

Shri J. C. Madan, Proxy Counsel for Shri
P. H. Ramchandani, Counsel for Respondents

J U D G M E N T

Hon'ble Shri B. N. Dhoundiyal, Member (A) —

The applicant, Shri Sabir, claims to have worked in Class IV in the office of the Chief Engineer (North), All India Radio, from 14.5.1990 and prays for a direction to the respondents to regularise him in a Group 'D' post; not to terminate his services till such regularisation; and give him regular pay scale retrospectively.

2. On 9.12.1991, this Tribunal passed an interim order directing the respondents to maintain status quo as regards continuance of the applicant as casual labourer and not to fill up the vacancies in Group 'D' posts. The interim order continues till date.

3. In their counter, the respondents have averred that the applicant was engaged simply as a casual labour on daily rated basis in connection with the execution of the work of Refurbishing Project of All India Radio against the labour provisions made in the detailed technical estimates

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of the Project. They have denied that the services of the applicant were proposed to be dispensed with. He has rightly been paid daily wages as prescribed from time to time. As there is no regular sanctioned post of any category in the Project, the question of his regularisation does not arise.

4. As the respondents have clearly stated that there is no intention of disengaging the applicant, his application in this respect has become infructuous. As regards regularisation, being a workman muster roll as per rules incorporated in the All India Radio Manual, he is entitled to the same facilities as given to the CPWD staff. As the applicant has already worked for more than 240 days in two consecutive years, he is eligible to be considered for regularisation in Group 'D'. He would also be entitled to benefits extended to the non-industrial workers as per guidelines given by the Ministry of Finance in their O.M. dated 12.8.1960. It is an admitted position that all posts in the work-charge establishment are to be filled from amongst the persons working on muster roll in accordance with the CPWD Manual Vol.II and for this purpose, all eligible muster roll candidates are to be considered for empanelment.

5. In the facts and circumstances of this case, we hold that the applicant is also entitled to the benefits of the aforementioned rules. He shall be given the benefit of regular scale in accordance with the Ministry of Finance O.M. dated 12.8.1960 and he shall be considered for recruitment in a Group 'D' vacancy in accordance with the relevant rules. No orders as to costs.

B. N. Dhoundiyal
(B. N. Dhoundiyal)
Member (A)

S. K. Dhaon
(S. K. Dhaon)
Vice Chairman (J)