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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.826/91

DATE OF DECISION: 23.04.1992

KAMLESH PRAKASH

...APPLICANT

VERSUS

DIRECTOR GENERAL, E.S.I.C. & ANR. ...RESPONDENTS

OA NO.1128/91

P. KATHIRVEL

...APPLICANT

VERSUS

DIRECTOR GENERAL, E.S.I.C. & ANR. ...RESPONDENTS

CORAM

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

FOR THE APPLICANTS

SHRI K.L. BHATIA, COUNSEL

FOR THE RESPONDENTS

SHRI D.P. MALHOTRA, COUNSEL

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN(J))

We have heard the learned counsel of both the parties and gone through the records of these cases. The applicants have worked for about 240 days, though with technical breaks as Chowkidars in the E.S.I. Hospital. The grievance of the applicants is that they have not been appointed on regular basis against Group 'D' posts and that they have also not been given regular pay scale.

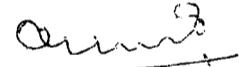
2. The stand of the respondents in their counter-affidavit is that though sanctioned posts of Chowkidars are available, a policy decision has been taken by them to entrust the security work to a private agency so as to ensure that the security in the hospital is tightened. The learned counsel for the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

3. 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 wages basis.

4. After hearing both sides, these Applications are disposed of with the direction to the respondents to consider engaging the applicants as Chowkidars on regular basis, if they are found suitable for 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 orders passed in these cases are hereby made absolute with the above observations.

5. There will be no order as to costs. Let a copy of this order be placed in both case files.


(I.K. RASGOTRA)
MEMBER (A)


(P.K. KARTHA)
VICE-CHAIRMAN (J)

April 23, 1992.

SKK
230492