

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2715/2004

New Delhi, this the 18th day of November, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

1. Srivrat Kumar, casual labour
S/o Sh. Dharamveer Singh
R/o DCDA (AF) Subroto Park
New Delhi - 110 010.
2. Dev Kumar, casual labour
R/o DCDA (AF), Subroto Park
New Delhi - 110 010.
3. Bimal Singh, casual labour
DCDA (AF), Subroto Park
New Delhi - 110 010.
4. Azad Singh, casual labour
R/o DCDA (AF), Subroto Park
New Delhi - 110 010.
5. Ashok Kumar, casual labour
R/o DCDA (AF), Subroto Park
New Delhi - 110 010
6. Jitendra Kumar, casual labour
R/o DCDA (AF), Subroto Park
New Delhi - 110 010.
7. Jai Chand, casual labour
R/o DCDA (AF), Subroto Park
New Delhi - 110 010
8. Amar Singh, casual labour
R/o DCDA (AF), Subroto Park
New Delhi - 110 010.
9. Chhedi Lal, casual labour
R/o DCDA (AF), Subroto Park
New Delhi - 110 010.

...Applicants

(By Advocate Mrs. Vipin Gupta)

V E R S U S

1. Union of India : through
The Secretary

Ministry of Defence, South Block
New Delhi - 110 011.

2. The Controller General of Defence Accounts
West Block V, R.K.Puram, New Delhi - 66.
3. The Controller of Defence Accounts (AF)
West Block V, R.K.Puram, New Delhi - 66.
4. The Deputy Controller of Defence Accounts
Subroto Park, New Delhi.

...Respondents

ORDER (ORAL)

Learned counsel for the applicants has submitted that these applicants had approached the Tribunal earlier vide OA 2536/2002 seeking regularization of their services with reference to their juniors whose services had been regularized and also on the basis of the services rendered by them as per rules/instructions on the subject. While services of the two applicants have since been regularized in compliance with the Tribunal's order as given on 18-8-2003 while disposing of the said OA, the services of the other applicants have not been regularized so far. She has also pointed out that the CP had been filed against the non-implementation of the orders of the Tribunal by the respondents, but the same was disposed of vide the orders of the Tribunal dated 15-3-2004 with the following observations :-

"Counsel for the respondents states that Tribunal order has been complied with. CM stands satisfied. Proceedings are dropped. Accordingly, CP is disposed of."

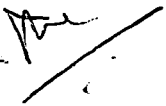
2. Learned counsel for the applicants has clarified that on the date when the CP was disposed of as above, only one applicant was present and whose services have been regularized. Others were not present nor were they represented; as a result, the fact that the orders had not been complied with in their regard, could not be placed before the Tribunal.

7

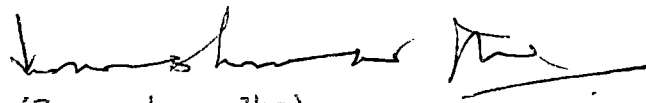
3. She has also referred to the fact that the respondents had filed a RA seeking review of the decision of the Tribunal, but the same was dismissed. The respondents had also filed a Writ Petition before the Hon'ble High Court against the orders of the Tribunal vide WP (C) No.3366/2004, which was dismissed on 10-3-2004 (Annexure-D).

4. It is thus observed that while the respondents have complied with the orders of the Tribunal in regard to only two applicants, they have tried to seek review as well as reversal of the order of the Tribunal and which have not been agreed to. Accordingly, it was incumbent on them to consider the cases of the applicants for regularization of their services as per the directions of the Tribunal. The Id. counsel for the applicant has submitted that a number of representations have been submitted to the respondents, but they have not given any reply to them so far. They are, therefore, not aware of the reasons why the services of the applicants have not been regularized so far. According to her, 12 vacancies exist in group 'D' and against which the applicants' services could be regularized.

5. In view of the fact that the respondents have not complied with the orders of the Tribunal in regard to the applicants as given in OA 2536/2002 on 18-8-2003 nor have they apprised the applicants of the reasons for their not having done so so far in spite of the applicants having submitted a number of representations to them, I consider it appropriate to dispose of this OA at the admission stage itself with directions to them that they comply with the directions of the Tribunal as referred to hereinabove in regard to the applicants and also consider the representations as submitted to them by these applicants and give appropriate and reasoned reply to them, expeditiously, in any case within a period of two months from the date of receipt of a copy of this order. The applicants shall have liberty to approach this Tribunal if their grievances still survive. The respondents shall also ensure that no

8. 

coercive step is taken against the applicants while the matter is pending consideration with them.



(Sarweshwar Jha)
Member (A)

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