

(16)

Central Administrative Tribunal
Principal Bench, New Delhi.

✓ RA-165/94 in OA-2246/92, RA-171/94 in OA-1601/92
and RA-172/94 in OA-2418/92.

New Delhi this, the 9th, Day of May, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

RA-165/94 in OA-2246/92 RA-171/94 in OA-1601/92 &
RA-172/94 in OA-2418/92.

1. The Secretary,
Ministry of Water Resources,
Shram Shakti Bhavan,
New Delhi.
2. The Chairman,
Central Water Commission,
Sewa Bhavan, R.K. Puram,
New Delhi.
3. The Executive Engineer,
Central Stores Divn.,
Central Water Commission,
R.K. Puram, New Delhi.

Review Applicants/
respondents in OA.

(through Sh. Jog Singh)

RA-165/94 in OA-2246/92 versus

Shri Jayant Kumar Pathak,
S/o Sh. Kusheshwar Pathak,
Assistant Electrician,
Central Stores Divn.,
Central Water Commission,
West Block 1, Wing No.4,
2nd Floor, R.K. Puram,
New Delhi.

Respondent in RA/
applicant in OA.

RA-171/94 in OA-1601/92

Shri Rajesh Kumar Saini,
S/o Shri Veer Sain Saini,
Workcharged Khallasi,
under Executive Engineer,
Central Stores Division,
Central Water Commission,
West Block No.1, Wing No.4,
2nd Floor, R.K. Puram,
New Delhi.

Respondent in RA/
applicant in OA

RA-172/94 in OA-2418/92

1. Shri Rajender Sharma,
S/o Sh. Bhagwan Sharma,
Carpenter, Central Stores Divn.,
Central Water Commission,
West Block No.1, Wing No.4,
2nd Floor, R.K. Puram,
New Delhi.

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2. Sh. Raju Kashyap,
S/o Shri Nikka Ram.
3. Sh. Daya Ram,
S/o Sh. Ganga Ram.
4. Shri Dali Singh,
S/o Sh. Bhup Singh.
5. Shri Giri Raj,
S/o Shri Mishri Singh.
6. Shri Bijendra,
S/o Sh. Tota Ram.
7. Sh. Ram Kumar Rai,
S/o Sh. Hardev Rai.
8. Sh. Udaï Kumar,
S/o Shri Kurukul.

Respondents in RA/
Applicants in OA.

(Serial No. 2 to 6 working in Central Stores
Divn., Central Water Commission, R.K. Puram,
New Delhi.)

ORDER (BY CIRCULATION)

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

These review applications have been filed
by the respondents against the common judgement delivered
on 10.02.94 in O.A.Nos. 223, 884, 1601, 2246 & 2418 of
1992. The following directions were given:-

(i) the respondents shall prepare a scheme for retention and regularisation of the Casual Labourers employed by them. This scheme should take into account the regular posts, that can be created, taking into account the fact that even if a particular scheme is completed, new schemes are launched every year. An assessment of the regular posts that can be created on this basis should be made. For regularisation, all those, who have completed 240 days service in two consecutive years, should be given priority in accordance with their length of service;

(ii) Those, who have complete 120 days of service should be given temporary status in accordance with the instructions issued by the department of personnel from time to time. After completion of the required period of service, they should be considered for regularisation;

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- (iii) Adhoc/temporary employees should not be replaced by other ad hoc/temporary employees and should be retained in preference to their juniors and outsiders;
- (iv) Such a scheme shall be submitted by the respondents for scrutiny of this Tribunal within a period of three months from the date of communication of this order by the petitioner to them.

The review applicants claim that though the impugned order is very much legal and has been passed after giving considerable thought, it would result in retention of junior people while rendering the senior people surplus. It is their contention that due to financial constraint and completion of works in hand W/C staff under different categories from both Central Store Division as well as Planning Division are likely to be rendered surplus after 31.3.1994. It has also been mentioned that the Ministry of Finance has emphasised surrender of 10% of existing post under W/C Estt. also for declaring 10% post on W/C establishment. They have stated that due to financial constraints and lack of schemes, the applicants were not entitled for any regularisation of their services.

There is nothing in these directions which forces the review applicants to regularise casual workers in the absence of any post. They can take into account the latest position regarding the projects which are continuing and reach the conclusion that no more regular post can be created. The second direction only relates to implementation of the decision of the Deptt. of Personnel regarding temporary status being given to casual workers who have worked for 120 days. Certainly, it cannot be accepted that the applicants will not implement their own orders. The direction No.3 is based on a well

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established principle.

We, therefore, hold that no error apparent on the face of judgement has been brought out in the review applications, which are hereby dismissed. It is reiterated that a scheme be prepared in the light of these directions, shall be presented for scrutiny to this Tribunal within the stipulated time.

Let a copy of this order be placed on all the three files.

B.N. Dhoundiyal
(B.N. DHOUNDIYAL)
MEMBER(A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN

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