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Central Administrative Tribunal
Principal Bench, New Delhi.

RA-180/94 in OA-884/92 and RA-188/94 in
OA-223/92.

New Delhi this the 19th Day of May, 1994.

Hon'ble Mr. Justice S.K. Dhaen, Vice-Chairman
Hon'ble Mr. B.N. Dheundiyal, Member(A)

RA-180/94 in OA-884/92 & RA-188/94 in OA-223/92

1. Union of India,
through its Secretary,
Govt. of India,
Ministry of Water Resources,
Shram Shakti Bhawan,
New Delhi.
2. The Chairman,
Central Water Commission,
Sewa Bhawan,
New Delhi-66.
3. The Executive Engineer,
Central Store Division,
CWC, New Delhi-66.

Review Applicants/
respondents in OA

(Through Sh. Jog Singh)

versus

RA-180/94 in OA-884/92

1. Sh. Sewak Ram,
S/o Sh. Hari Ram,
R/o G-195, Sector-10,
Faridabad (Haryana).
2. Sh. Suresh Kumar,
S/o Sh. Om Prakash,
R/o Vill. Sidipur Lona,
P.O. Bahadur Garh,
District Rohtak,
(Haryana).
3. Sh. Nand Kumar,
S/o Sh. Vishal Chand,
R/o S 27/B 303,
Railway Colony,
Gudhlakabad,
New Delhi.

Respondents in RA/
applicant in OA

RA-188/94 in OA-223/92

1. Sh. Vinod Kumar,
S/o Sh. Raman Singh,
R/o F-25, Transit Camp,
Khichari Pur, New Delhi.

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2. Sh. Ram Kumar,
S/o Sh. Ratan Singh,
R/o RZ-139, X-Block-II,
New Roshan Pura,
Naiafgarh,
New Delhi.
3. Sh. Yash Pal Singh,
S/o Sh. Devi Singh,
R/o WZ-288, Vill.&P.O.Naraina,
New Delhi.
4. Sh. Pramed Kumar,
S/o Sh. Bijli Singh,
R/o 421, Sewa Nagar,
New Delhi.
5. Sh. Narendra Paswan,
R/o B-50, Naharpur,
Sector-7, Rohini,
Delhi.

Respondents in RA/
applicants in OA.

ORDER(BY CIRCULATION)
delivered by Hon'ble Mr. B.N. Dheundiyal, 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 completed 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;

(10)

- (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 constraints 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 posts 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 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 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 both the files.

(B.N. DHOUNDIYAL)
MEMBER (A)

(S.K. DHAON)
VICE CHAIRMAN

/w/

Original as in
RA 180/94 CASE 84/92

Attended me copy
Anil Kumar
29-5-94
CO. CD.
P.B. C.A.T.
Nand DeW