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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.CA-488/92

Date of decision: 4.12.1992

Shri Naveen Gupta & Applicants
Others

Versus

Union of India & Ors. Respondents

For the Applicants Shri T.C. Aggarwal, Advocate

For the Respondents Shri P.H. Ramchandani, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. To be referred to the Reporters or not? *no*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The applicants, who have been working as Work
Munshies under the Chief Engineer (North Zone), Akashvani &
Doordarshan, are aggrieved due to their non-regularisation
despite working for several years from 1981/82 onwards.
Applicants 1-3 have worked from 1981 onwards and Applicant
No.4, from 1982 onwards. The applicants have stated that

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they were appointed through the Employment Exchange for regular posts of Work Munshi, and that they have not been appointed as Clerk, Grade II. There is no break in their service and they are being given increments annually in their present scale of Rs. 950-1500 similar to that of Clerk, Grade II. They have also been allowed to cross the Efficiency Bar, but have not been given other benefits such as leave, L.T.C., G.P.F. advance, Insurance, etc., which are admissible to regular employees. After their posts are converted as Clerks Grade II, they would get these benefits. They have relied upon the recommendation of the Pay Commission that work-charged staff in non-industrial categories may be brought on the regular establishment so that they would be entitled to all the benefits admissible to regular non-industrial staff. They have also relied upon the judgement of the Madras Bench of this Tribunal in CA-45/88 which has been mentioned by the respondents by order dated 10.9.1990.

2. According to the respondents, the applicants have not been engaged against the regular posts and they have been continued in service as work-charged Work Munshies against detailed Technical Estimates prepared for D-6 Godown and are being paid as per the rules. The conversion of the posts would depend on the availability of funds and as soon

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as adequate funds are available, posts would be created to accommodate them. In the meanwhile, there is no proposal to terminate the services of the applicants and their apprehension that their services would be dispensed with, is not well-founded.

3. We have gone through the records of the case and have heard the learned counsel for both the parties. The mere fact that the applicants have worked for a fairly long period in the work-charged category, would not entitle them to regularisation in the absence of regular posts in existence. The respondents have stated that the case of the applicants would also be considered for regularisation, depending on the availability of funds. The Tribunal cannot issue any direction to the respondents to create posts. In the facts and circumstances of the case, the application is disposed of with the direction to the respondents to review the staff strength required on regular basis and take appropriate action to regularise the applicants in accordance with their seniority and suitability. Till then, the respondents shall continue to accommodate the applicants in their present posts. The application is disposed of accordingly. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Administrative Member

P.K. Kartha
(P.K. Kartha)
Vice-Chairman (Judl.)