

In the Central Administrative Tribunal
Principal Bench, New Delhi

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Regn. Nos. 1. OA-895/92
2. OA-896/92

Date: 26.8.1993.

1. Shri Lal Singh & Ors. } Applicants
2. Shri Jai Singh & Ors. }

Versus

Union of India & Ors. Respondents

For the Applicants Rishikesh, Counsel

For the Respondents Shri A.K. Aggarwal, Counsel

CORAM: Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

1. To be referred to the Reporters or not?

Judgement (Oral)

(By Hon'ble Mr. J.P. Sharma, Member)

Shri Lal Singh and four others have filed this application praying that they are working as Chowkidars, Beldars in the Irrigation and Flood Control Department of Delhi Administration. The Hon'ble Supreme Court, in the Writ Petition No. 253/88 - Prakash Chand and Others Vs. Lt. Governor & Others - decided by its judgement dated 31.10.1988 directing the respondents to frame a scheme for regularisation of the services of all those casually employed workers/persons who had put in more than one year's service. In OA-896/92, Jai Singh and 36 Others, who are also working in the Irrigation and MMID Department, have the same grievance. In both the OAs, the applicants have prayed for regularisation of their services with entitlement of regular pay-scales of the posts along with allowances.

2. A notice was issued to the respondents to file their reply separately in both the OAs and contested the same on the ground that the matter of regularisation of the services of casual labourers has already been decided by the Hon'ble Supreme Court in the Civil Writ Petition No. 253/88 decided on 31.10.1988. It is admitted in the reply that the services of the applicants in both the applications, have not been terminated, nor is there any such proposal to terminate their services.

3. Shri Ajay Kumar Aggarwal, learned counsel for the respondents filed a scheme for regularisation of daily-wage workers in the Irrigation and Flood Control Department in the wake of the orders of the Supreme Court dated 31.10.88 and 16.11.1988 and grant of temporary status to all these casual workers as well as their regularisation. A copy of the said scheme has also been furnished to the learned counsel for the applicants who is common in both the applications.

4. At this stage, the learned counsel for the applicant seeks an adjournment for 2/3 days to check this scheme whether it is in conformity with the judgement of the Hon'ble Supreme Court and also whether the applicants in both the OAs are duly covered by this scheme. Normally, the request of the learned counsel for adjournment should be favourably

considered, but in this case, the scheme itself refers to the orders of the Hon'ble Supreme Court dated 31.10.88 and also gives the ^{number of} casual labourers and workers as ~~as~~ 1176 of different categories, excluding 224 of Group 'C' posts. In view of this, the request for adjournment and any further verification by the applicants' counsel, cannot be accepted, being devoid of any substance and reason.

5. Having considered the arguments of the learned counsel at length, we find that the case of the applicant is covered by the aforesaid scheme.

6. In view of the above facts, both these applications are disposed of as infructuous. However, if there is any wrong implementation of this scheme and also against the direction given by the Hon'ble Supreme Court in its judgement dated 31.10.1988, which is the basis of the scheme, the applicants shall be free to agitate their grievance again, if so advised. There will be no costs.

to be placed on other file

(B. K. Singh)
Member (A)

(J. P. Sharma)
Member (J)