

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(14)

O.A.No. 3400/92

Date of decision: 21.09.1993.

Sh. Rakesh Hasija & Ors.

....
versus

Applicants

Union of India & Ors.

....

Respondents

O.A.No.517/93

U.B.S.Employees

....
versus

Applicants

Union of India & Ors.

....

Respondents

O.A.No.425/93

Sh. Girish Chander & Ors.

....
versus

Applicants

Union of India & Ors.

....

Respondents

O.A.No.930/92

Smt. Raj Kumari

....
versus

Applicant

Union of India & Ors.

....

Respondents

Coram:-

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

Sh. G.D. Gupta, counsel for the applicants in
O.A.Nos. 3400/92 & 517/93.

Dr. D.C. Vohra, counsel for the applicant in
O.A.No.425/93.

None for the applicant in O.A.No. 930/92.

Ms. Ashoka Jain, counsel for the respondents in
all the cases.

JUDGEMENT

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

As all the applicants are Area Volunteers working under the Urban Development Deptt. of Delhi Administration and have raised common issues, we proceed to dispose these above mentioned O.As. by a common judgement.

The undisputed facts of the case are that around 480 Area Volunteers were selected in the month of April, 1989 for working amongst the Jhuggi-Johopri dwellers for Diarrhoea Management, Immunisation etc. They

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were recruited on honorarium of Rs.40/- which was later increased to Rs.50/- for working day. Originally the expenditure was met out of the 'Lottery Fund' but later on payment was made out of the Plan Provisions. Since then they are being associated with the Urban Basic Services Programme which was to be funded on the basis of 40:40:20 by the Govt. of India, Delhi Administration and UNICEF. Most of them worked from 19.4.1989 to 16.7.1989, 19.7.1989 to 15.10.1989, 18.10.1989 to 30.4.1990 and 15.5.1990 to till date. In December, 1992 some of the Area Volunteers approached this Tribunal in O.A.No.3400/92 praying that their services were likely to be dispensed with from 1.1.1993. Another batch of applicants filed O.A.No.425/93 on 16.2.1993. The services of Area Volunteers are continuing under the protection of interim orders passed by this Tribunal. They are at present assisting the project staff. As on 17.12.1992 there were 287 Area Volunteers working with the administration and the number has come down 267 by May, 1993.

The question of continuation of the services of Area Volunteer was taken up by Delhi Administration with the Govt. of India. Under the guidelines issued by the Govt. of India, one Asstt. Project officer was to be appointed for 2000 families and on this basis only a limited number of posts would be available under the UBS Programme. It was also found that at the ground level the Asstt. Project Officers rather than doing the grass root work as envisaged under the UBS scheme had assigned a supervisory role over the Area Volunteers. The Area Volunteer Programme was, therefore, reviewed and it was decided that the present arrangement should come to an end

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by 31.12.1992, additional posts of APOs were to be created as per approved norms and the selections be restricted to Area Volunteers. Instructions were issued to all departments to give preference to Area Volunteers for direct recruitment as also for appointment in the training course for government jobs. Any A.V. not adjusted in the above manner was not to be continued beyond 31.12.1992.

In O.A.No.517/93 a plea has been made that some of these Area Volunteers can be absorbed in the Planning Department and directions have been sought that the respondents should do so without making them to compete with the outsiders in a written test.

We have gone through the records of the case and heard the learned counsel for the parties. The learned counsel for the respondents has vehemently opposed the applications on the grounds of nonsigning of O.A.No.3400/92 by all the applicants, one applicant signing more than one application and applicants not having any right of employment in the absence of vacancies. She has also stated the fact that applicants are not employees but are Volunteers who are getting honorarium. The fact ^{that} the maximum age limit was 40 years also shows that the administration was not thinking of taking them on regular basis. Their recruitment was done for taking preventive steps after the out break of cholera/gastro enteritis in 1988. The learned counsel for the applicant contended that the applicants were working as Area Volunteers continuously from 1989 and had been appointed in open selection after being sponsored by the Employment Exchange. The administration has found their

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work useful and had proposed to continue them. Out of 280 Area Volunteers remained to be absorbed, 200 can be absorbed as APOs and some Area Volunteers can be absorbed in the Planning Department. The Deptt. has already passed presidential order on 1.2.1993 whereby direct recruitment in other department was stopped till the Area Volunteers were absorbed. He pleaded that time may be given to the department to absorb all the Area Volunteers and that this Tribunal supervise the absorption. He also argued that the central guidelines were not now applicable as the scheme stood transferred to the Delhi Administration.

A perusal of the records shows that though the scheme has been transferred to the Delhi Administration, the Planning Commission insisted on the guidelines in the All India ABS scheme may be followed. It is also clear that positive steps have been taken by the administration to adjust as ~~may~~ as Area Volunteers in different departments and that for the approved plan for 1993-1994 provisions have been made for this scheme. We have also seen a letter dated 11.12.1992 whereby the Secretary, Legal Cell, Govt. of India, Delhi Administration has requested the Commissioner of Police to consider adjusting the Area Volunteers against the vacancies in appropriate grades in that department. It is not known whether there has been any response from the Police department which would be in a position to absorb a large number.

In view of the foregoing discussion, we hold that the process of absorption of Area Volunteers in different departments of Delhi Administration has to be

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expedited and the progress has to be monitored regularly. The applications are, therefore, disposed of with the directions to the respondents to take all steps for absorption of the Area Volunteers within a period of 6 months from the date of receipt a copy of this judgement. The services of the Area Volunteers shall continue till all of them have been absorbed or till 31.3.1994 whichever is later. At the end of this period, it will be open to the respondents to discontinue the engagement though a list of Area Volunteers still remaining to be absorbed may be maintained for absorption against future vacancies. As regards the relief sought in O.A.No.517/93, we direct the respondents to strictly follow the instructions contained in circular No.F.3/11/92-services-II dated 1.12.1993 i.e. only after specified groups of employees including the volunteers of Urban Basic Services have been absorbed, any recruitment from outside will be resorted to.

There will be no orders as to costs.

(B.N. Dhoundiyal) 28/5/93

Member(A)

(S.K. Dhaon)

Vice-Chairman

/vv/

Attested true copy
Anil Kumar
Co. Cl
21.09.93