

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1318/92.

Date of Decision: AUGUST 20, 1997.

Harisinh Chhotusinh Solank & 3 Others,
Applicants.

Shri I. J. Naik,
Advocate for
Applicant.

Versus

Union Of India & Others,
Respondent(s).


Shri V. S. Masurkar,
Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. **B. S. Hegde, Member (J).**

Hon'ble Shri. **P. P. Srivastava, Member (A).**

- (1) To be referred to the Reporter or not? *p*
- (2) Whether it needs to be circulated to *p*
other Benches of the Tribunal?


(B. S. HEGDE)
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1318/92.

Dated this Wednesday, the 20th day of August, 1997.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).
HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

1. Harisinh Chhotusinh Solanki.
 2. Zeenabhai Gopalbhai Rohit.
 3. Jashvantbhai L. Patel.
 4. Naginbhai Bapubhai Dhodia
- All serving in Public Works
Department, Irrigation Division,
P.O. Silvassa - 396 230.
(By Advocate Shri I. J. Naik)

... Applicants

VERSUS

1. Union Of India through
The Secretary,
Ministry Of Works & Housing,
Secretariat, NEW DELHI.
2. The Administrator,
U.T. of Dadra and Nagar Haveli,
Administrator's Secretariat,
P.O.: Moti Daman,
Pin Code : 396 220.
3. The Collector,
Dadra and Nagar Haveli,
At : Silvassa,
Pin Code : 396 230.
4. The Executive Engineer,
Public Works Department,
Irrigation Division,
Dadra & Nagar Haveli,
At : Silvassa - 396 330.

... Respondents.

(By Advocate Shri V.S. Masurkar)

: ORDER : (ORAL)

| PER.: SHRI B. S. HEGDE, MEMBER (J) |

Heard Shri I. J. Naik, Counsel for the applicant
and Shri V. S. Masurkar, Counsel for the respondents.

PK

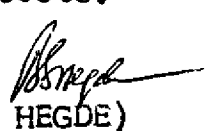
2. The only prayer made in this O.A. is that the respondents be directed to consider the applicants as regular employees from the date they completed two years service. The applicants have been working as Work-Charged Operator-cum-Watchman on Work-Charged establishment with the respondents. They have not been regularised though they have been working for the last 6 to 7 years.

3. The respondents in their reply contend that since the posts have not been created by the competent authority, the services of the applicants cannot be regularised. However, the benefits of Pension/gratuity as applicable to the regular staffs also apply to the work-charged staff. The respondents further contend that as and when regular posts are created, according to the seniority of the applicants, they would be regularised in due course of time, for regular appointment in accordance of seniority and rules.

4. In the facts and circumstances of the case, it is not possible to direct the respondents to create ~~the~~ posts for the applicants. However, as and when the vacancy arise or the post is created, the applicants are entitled to be considered for regularisation in accordance with their seniority and rules.

5. The O.A. is disposed of with the above direction. There would be no order as to costs.


(P.P. SRIVASTAVA)
MEMBER (A).


(B. S. HEGDE)
MEMBER (J).