

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO. 1
CAMP : NAGPUR

OA Nos. 405/92; 484/92 & 576/92

OA No. 405/92:

1. Sanjay Murlidhar Udapure
R/o. Bapu Mahajan Ghodwale
Mahal, Nagpur
2. Deepak Shriram Padole
R/o. CPWD Colony, Type III
Quarters; Quarter no.118
Civil Lines; Nagpur

Applicants in
O.A. 405/92

OA No. 484/92:

1. Guru Singh Shankar Singh Thakur
R/o. 8 Navab Layout
Tilak Nagar, Nagpur
2. Gautam Dharamdas Deshbhatar
R/o. Bababoudha Nagar
Dr. Ambedkar Marg
Nagpur 17

Applicants in
O.A. 484/92

OA No. 576/92:

1. Sanjay Baburao Tayade
R/o. Surender Garh
Behind Veterinary College
Seminary Hills; Nagpur
2. Amol Pandurangi Kadu
R/o. 61, Gajanan Prasad Colony
Behind Veterinary College
Seminary Hills, Nagpur

Applicants in
OA No. 576/92

V/s.

1. Union of India,
Ministry of Steel & Mines
Department of Mines;
Sastri Bhavan, New Delhi 1
through its Secretary.
2. The Controller General of Mines
Indian Bureau of Mines
Indira Bhavan, Civil Lines;
Nagpur
3. The Director General of Works
Ministry of Urban Development
Central Public Works Department
Nirman Bhavan, New Delhi
4. The Executive Engineer(Electrical)
Central Public Works Department
Bungalow No.17-B
Civil Lines; Nagpur

RESPONDENTS IN
the above 3 OAs.

CORAM: Hon-Shri Justice M.S.Deshpande, V.C.
Hon.Shri M Y Priolkar, Member (A)

APPEARANCE:

Ms. Pathak
counsel for applicants

Mr. Ramesh Darda,
counsel for respondents

ORAL JUDGMENT: DATED: 19.7.93
(Per: M.S.Deshpande, Vice Chairman)

The contention of Shri Ramesh Darda is that the applicants in all these three cases were working on contingent post and they were asked to do the work of liftman on purely daily wages though they were working for the period from 1.8.1988 to 7.9.1990. It is urged that there was no post of liftman as such, though the applicants worked in that position for more than 240 days which is not disputed. The contention furthered is that the applicants were working with the Central Public Works Department (CPWD) and they are now disengaged now. An interim direction was made on 10.4.92 that in case the applicants are working they should be allowed to continue.

It is not open to the department to discontinue the services of the applicants when they had worked for more than 240 days and that they would be entitled to a direction that either of these two departments viz., Indian Bureau of Mines or Central Public Works Department, should engage them. Since Shri Darda states that the maintenance work has been taken up by the Central Public Works Department, we direct that the applicants be engaged on the same basis on which they were working previously and they shall be allowed to join within a months' period from to-day. Since it is stated that there is no post of liftman as such, we will not make any direction about the position which the applicants are seeking though we would like to secure their services. We, however, direct that in case the post of liftman are created the applicant's claim for appointment to those posts shall be considered.

With the above directions all the three
O.A.s are disposed.

A copy of this order be furnished to the
parties.