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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 11.7.2000

OA 351/98

Bahadur Singh, Class-IV employee on daily wage with CGHS, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Health, New Delhi.
2. Director General of Health Services, Govt. of India, Nicman Bhawan, New Delhi.
3. Asstt. Director, CGHS, Hotel Sri Radhakrishan, Near Railway Station, Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.S.BAPU, ADMINISTRATIVE MEMBER

For the Applicant ... Ms. Madhuri Singh

For the Respondents ... Mr.V.S.Gurjar

ORDER

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant makes a prayer to direct the respondents to give the salary to the applicant in regular pay scale and on equal pay for equal work basis and to direct the respondents to regularise the services of the applicant as Nursing Orderly/Dresser or in Group-D category with all consequential benefits.

2. In brief the case of the applicant, as stated by the applicant, is that he was initially engaged as skilled labour on 17.5.80 under respondent No.3. He worked as Nursing Orderly/Dresser. It is stated that w.e.f. 30.9.81 the services of the applicant were terminated. The applicant challenged the same before the Central Industrial Tribunal, Jaipur, and the Tribunal viae award dated 3.2.92 held the termination of the applicant dated 30.9.81 not justified and directed for reinstatement of the applicant and further directed to pay the salary and break to be treated as continuous in service. It is stated that the applicant has been reinstated in service on 6.1.97 and he is discharging the duties of Group-D employee. Therefore, he is entitled for regularisation and equal pay for equal work. Therefore, the applicant filed this OA for the relief, as mentioned above.

3. Reply was filed. In the reply it was admitted that the applicant was

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engaged on 17.5.80 and his services were terminated w.e.f. 30.9.81 and by the award passed by the Central Industrial Tribunal, the applicant was reinstated in service. But it is denied that the applicant was entitled to regularise and equal pay for equal work. Therefore, in view of the submissions made in the reply, the respondents have requested to dismiss this OA with costs.

4. Rejoinder was also filed, which is on record.

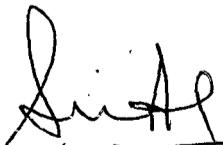
5. Heard the learned counsel for the parties and also perused the whole record.

6. The learned counsel for the applicant submits that this case is squarely covered by the order passed in OA 428/98 (Nandu Singh v. Union of India and Others) on 25.4.2000. We have heard the learned counsel for the respondents and also perused the aforesaid order dated 25.4.2000. Admittedly, the applicant was engaged in the year 1980 and by an award given by the Central Industrial Tribunal, his termination was quashed and he was treated continuous in service and still the applicant is working as casual labour on daily wage basis in the respondent department. Therefore, in view of the facts and circumstances of this case and the aforesaid decision dated 25.4.2000, we are of the considered opinion that the applicant is entitled to be considered for conferring temporary status and thereafter for regularisation, if he is eligible and found fit for the same.

7. We, therefore, allow this OA with the following directions :-

- i) The respondents are directed to consider the applicant for conferment of temporary status, if he is found eligible and fit, and thereafter the applicant will be considered for regularization on Group-D post on availability of a post in the respondent department.
- ii) The whole exercise shall be completed within three months from the date of receipt of a copy of this order.
- iii) The applicant being a casual labour is not entitled to equal pay for equal work.
- iv) No order as to costs.

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(S.BAPU)
MEMBER (A)


(S.K.AGARWAL)
VICE CHAIRMAN