

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 179/2002
T.A. No.

199

DATE OF DECISION _____

Jagannath Prasad Gurjar

Petitioner

Mr. P.V.Calla

Advocate for the Petitioner (s)

Versus

UOI and two others

Respondent

Mr. B.N.Sandu

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

The Hon'ble Mr. A.P.Nagrath, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(A.P.Nagrath)
Administrative Member.

(G.L.Gupta)
Vice Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR

O.A. No.179/2002

Date of decision: 21.03.03

Jagannath Prasad Gurjar, S/o Shri Anand Ram, aged about 35 years, at present working on the post of Motor Lorry Driver in the office of Executive Engineer (Electrical) CPWD, Jaipur r/O 7/451, Jawahar Nagar, Kachi Basti, Jaipur.

: Applicant.

-versus-

1. Union of India, through the Secretary to the Government, Government of India, Ministry of Urban Development, Central Public Works Department, Nirman Bhawan, New Delhi.
2. The Director General of Works, Central Public Works Department, Nirman Bhawan, New Delhi.
3. The Chief Engineer (North Zone), III Central Public Works Department, Nirman Bhawan, Sec. 10, Vidhyadhar Nagar, Jaipur.

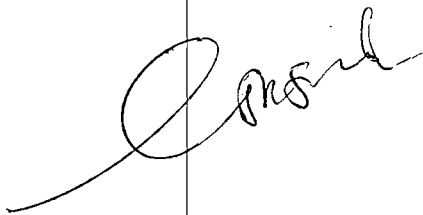
: Respondents.

Mr. P.V. Calla : Counsel for the applicant.

Mr. B.N.Sandu : Counsel for the respondents.

CORAM: : The Hon'ble Mr. Justice G.L.Gupta, Vice Chairman.

: The Hon'ble Mr. A.P.Nagrath, Administrative Member.



ORDER

Per Mr. Justice G.L.Gupta:

The applicant seeks directions to the respondents to consider his case for regularisation on the post of Motor Lorry Driver.

2. It is averred that the applicant was appointed on daily wage/hand receipt basis as Driver in the year 1989 and he has been continuously working on the post. It is further stated that initially the applicant was posted at National Security Guard Project (CPWD) and on the closure of the said Project his services were transferred to the Office of the Executive Engineer (EE) CPWD. It is stated that trade test for the post of Motor Lorry Driver was conducted and the applicant had participated in the said trade test and was declared successful. It is the case for the applicant that two similarly situated persons, viz. Rambir Singh and Surjeet Singh have filed O.A for their regularisation. It is averred that Chandigarh Bench of this Tribunal has already given directions to the respondents to consider the case of the similarly situated applicants therein for regularisation on the post of Motor Lorry Driver.

3. In the counter, the respondents' case is that there is no sanctioned post on which the applicant can be regularised. It is averred that the applicant does not possess the requisite qualifications. It is stated that ban was imposed on 19.11.1985 for appointment on daily wage basis and therefore the engagement of the applicant was illegal. It is further the case for the respondents that the fact situation in the case before the Chandigarh Bench of this Tribunal was different.

4. We have heard the learned counsel for the respondents



and perused the documents placed on record.

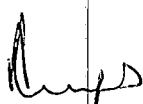
5. Mr. Calla, learned counsel for the applicant contended that Original Application of similarly situated persons i.e. Rambir Singh and Surjeet Singh has been disposed of by a Bench of this Tribunal on 2.5.2002 (O.A. No. 397/2001.) and this O.A may also be disposed of in the same manner.

6. On the other hand, the learned counsel for the respondents contended that the applicant does not have a right of regularisation.

7. Keeping in view the fact that this Tribunal has disposed of the matter of two similarly situated persons vide order dated 2.5.2002 in which one of us [Mr. A.P. Nagrath, Member (A)] was a party, by giving some directions, it is proper to dispose of this matter also with the same directions.

8. Consequently, without expressing any opinion on the merits of the case, it is directed that the respondents shall consider the case of the applicant for regularisation of his services on the post of Motor Lorry ^{driver} according to law ^{Driver} and pass appropriate order within a period of three months from the date of receipt of a copy of this order. The application stands disposed of accordingly.

9. No order as to costs.


(A.P. Nagrath)

Administrative Member


(G.L.Gupta)

Vice Chairman.

jsv.