

Central Administrative Tribunal  
Jabalpur Bench

OA No.823/04

&

OA No.824/04

*Given*, this the 22<sup>nd</sup> day of June, 2005.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman

Hon'ble Mr.Madan Mohan, Judicial Member

OA No.823/04

1. Srinivas Verma  
S/o Chottelal Verma  
R/o Wasin Purva  
Near Ranitalab  
District Rewa (M.P.)
2. Phoolchand Koal  
S/o Bhura Koal  
R/o Village Post Rewa  
Post Office Purva  
Tehsil Sirmore  
District Rewa.
3. Sury Pratap Verma  
S/o Ram Kishore Verma  
R/o Village Choudiyar Gurh  
District Rewa.

Applicants.

(By advocate None)

Versus

1. Union of India through  
Secretary  
Ministry of Human Resource Development  
New Delhi.
2. Kendriya Vidyalaya Sangathan  
Through its Commissioner  
18, Institutional Area  
Shaheed Jeet Singh Marg  
New Delhi.



3. Principal  
Kendriya Vidyalaya  
Civil Line  
Rewa (M.P.)
4. The Assistant Commissioner  
Kendriya Vidyalaya Sangathan  
Regional Office  
Jabalpur (M.P.)

Respondents

(By advocate Shri M.K.Verma)

OA No.824/04

1. Ram Bahor Saket  
S/o Bharatram Charmkar  
R/o Village Post Bholgarh  
District Rewa (M.P.)
2. Gaya Prasad Dwivedi  
S/o Ram Prasad Dwivedi  
R/o LIG 3/29/341  
Nehru Nagar, Rewa District  
Rewa (M.P.)
3. Ram Charan Mishra  
S/o Ganesh Prasad Mishra  
R/o Village Badraon Tiwariyan  
Post Mau, Tehsil Sirmore  
District Rewa (M.P.)

Applicants.

(By advocate Shri Shobhitaditya)

Versus

1. Union of India through  
Secretary  
Ministry of Human Resource Development  
New Delhi.
2. Kendriya Vidyalaya Sangathan  
Through its Commissioner  
18, Institutional Area  
Shaheed Jeet Singh Marg  
New Delhi.
3. Principal  
Kendriya Vidyalaya



Civil Line  
Rewa (M.P.)

4. The Assistant Commissioner  
Kendriya Vidyalaya Sangathan  
Regional Office  
Jabalpur (M.P.)

Respondents

(By advocate Shri M.K.Verma)

### ORDER

By Madan Mohan, Judicial Member

Since the issue involved in both the OAs is same and the facts are similar, these OAs are being disposed of by a common order.

2. The brief facts of the case in both the OAs are that the applicants were duly appointed as daily wagers by respondent Sangathan in 2001 and since then they have been continuously discharging their duties as daily wagers. The grievance of the applicants is that their services have not been regularized in spite of repeated requests made to that effect. The representations submitted for the purpose are pending with the respondents. Hence the OAs are filed.

3. In reply, it is stated on behalf of the respondents that the applicants have mentioned the Vidyalaya as Sangathan whereas Vidyalaya is not Sangathan. They contend that the applicant were engaged for casual work as casual labourers and, therefore, the question of their regularization in service does not arise. The respondents have denied that the applicant were continuously employed for a period of more than 240 days. The applicants' case does not come under the provisions of Industrial Disputes Act. Moreover, Vidyalaya is not an industry. There were no representations received from the applicants. The OAs deserve to be dismissed.



4. Learned counsel of the applicants has drawn our attention towards a common order dated 31.10.2003 passed in OA Nos. 452, 791 and 794 of 1999. He has particularly drawn our attention to para 6 of the above order, which reads as follows:

“6. Having regard to the fact that applicants had continued for long, which has been proved on record by accord of certificate from the concerned authorities though not acceding to the request of applicants for reinstatement, we partly allow these OAs with the direction to respondents to consider claims of applicants for regularization against respective Group ‘D’ posts on their availability. This consideration should be done keeping in view the period rendered by applicants in service doing the similar kind of work. However, this shall be subject to the rules and instructions on the subject as also eligibility criteria laid down under the relevant rules meant for the posts. It is also observed that in the event respondents require work of the nature which had been performed by applicants in the past, their claim for re-engagement shall be considered in preference to outsiders, freshers and juniors. With these directions, OAs are disposed of. No costs”

5. Heard learned counsel for the respondents also.

6. The issue involved in these OAs is squarely covered by the aforesaid decision cited on behalf of the applicants. Hence the common order passed in the aforesaid OAs *mutatis mutandis* applies to the present case also. Accordingly, we partly allow the OAs with a direction to respondents to consider claims of applicants for regularization against respective Group ‘D’ posts on their availability. This consideration should be done keeping in view the period rendered by applicants in service doing the similar kind of work. However, this shall be subject to the rules and instructions on the subject as also eligibility criteria laid down under the relevant rules meant for the posts. It is also observed that in the event respondents require work of the nature which had been performed by applicants in the past, their claim for re-engagement shall be considered in



preference to outsiders, freshers and juniors. With these directions,  
OAs are disposed of. No costs"

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

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पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....  
पतिलिपि अद्यो धित:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल
- (4) बॉयपाल, को.प्र.अ., जबलपुर न्यायापीठ  
सूचना एवं आवश्यक कार्यवाही हेतु  
उप रजिस्ट्रार

Sohit 90149  
Pr 1002  
M.K. Verma  
Pr 1032  
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Free  
4-7-23