

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA NO.221/03

&

OA NO.227/03

(Signature) this the 8th day of *December*, 2004.

CORAM

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.Madan Mohan, Judicial Member

OA NO.221/03

1. Vinod Kumar Tiwari
S/o Shri Shravan Kumar Tiwari
Ex.Lower Division Clerk
Office of the Assistant Engineer
Barswr Central Sub Division
Central Public Works Department
Bodhghat Colony Barswr
Dist. Dantewala (MP)
2. Smt.Anjali Pillai
Ex.LDC
Office of the Executive Engineer
CPWD, Jabalpur.Applicants.

(By advocate Shri M.N.Banerjee)

Versus

1. Union of India through
the Secretary
Ministry of Housing
Govt. of India
New Delhi.
2. Chief Engineer
CPWD Central zone
E-3~~5~~4b Area Colony
Bhopal.Respondents.

(By advocate Shri Harshit Patel on behalf of
Shri S.C.Sharma)

OA NO.227/03

1. Sobhnath Pandey
Beldar, CPWD
Kendriya Pariser Colony
T-III, 2, Bharat Nagar
Shahpura, Bhopal.
2. Dinesh Kumar Vishwakarma
Carpenter, CPWD
Village Laukhedi
Near Airport, Berager
Berager, Bhopal.

3. Gajanand Awchare
Beldar, CPWD
Central Sub Division No.2
CRPF Campus
Bhopal.

4. Rajaram Dohre
Beldar CPWD
Kendriya Parisar Colony
T-III, Bharat Nagar
Shahpura, Bhopal.

5. Sodan Singh
Beldar, CPWD
Sub Division Ujjain
Ujjain.

Applicants

(By advocate Shri M.N.Banerjee)

Versus

1. Union of India through
the Secretary
Ministry of Housing
Govt. of India
New Delhi.

2. Chief Engineer
CPWD Central Zone
E-3/4b Arera Colony
Bhopal.

3. Superintending Engineer
CPWD Near Bus Stop No.10
Arera Colony
Bhopal.

4. Superintending Engineer
CPWD, CGO Complex
A.B.Road.

5. Executive Engineer
CPWD Central Division-1
E-2/5 Arera Colony
Bhopal.

6. Executive Engineer
CPWD Central Division
CRPF Camp Bangrasia
Bhopal.

7. Executive Engineer, CPWD
Bank Note Press Colony
Dewas.

8. Assistant Engineer
CPWD Sub Division-1
Bhopal.

9. Assistant Engineer
CPWD Sub Division-2
Bhopal.

10. Assistant Engineer
CPWD Sub Division
Ujjain.

Respondents.

(By advocate Shri P.Shankaran)



O R D E R

By Madan Mohan, Judicial Member

As the issued involved in both the OAs is same and the facts are similar, both the OAs are disposed of by this common order.

2. The applicants in both the OAs seek a direction to the respondents to regularise their services as done in the case of applicants in OA 786/96 decided by the Tribunal on 1.1.97.

3. The brief facts of the cases are that the applicants were working in CPWD as LDC on work order basis . They had been persuading the department to regularise their services and pay equal wages for equal work. The applicants attained temporary status as they worked for more than 240 days in a year and are continuously working without any gap till date. Some of the workers in the same zone i.e. Central zone, Bhopal were regularised and were being paid regular pay scale as a result of decision of the Tribunal in OA 786/96 dated 1.1.97. The applicants are from poor families and in case they are removed from their job, their family would face starvation. The applicants filed OA No.1052/2000 which was disposed of with a direction to the respondents to consider fresh representation to be filed by the applicants. Thereafter, the applicants submitted a fresh representation to the Chief Engineer, CPWD, Bhopal. However, the aforesaid representation was rejected vide letter dated 23.3.01. Aggrieved by this, the applicants filed a contempt petition before the Tribunal (CCP No.24/02) which was



rejected vide order dated 24.6.2002. It was observed in the order as under :

"It is further noticed that in this Tribunal's order dated 5.12.2000, it was clearly stated that if the applicants remain aggrieved, they could move the Tribunal by filing fresh application."

The applicants were removed from employment whereas other applicants who filed OAs continue in employment. Hence, this OA is filed.

4. Heard learned counsel for both parties. It is argued on behalf of the applicants that the case of the applicants is similar to OA No. 786/1996 and that the applicants would be satisfied if a direction is given to the respondents to consider the applicants' case in the light of the judgment given by the Tribunal in OA No. 786/96 Ishwardas & Ors. Vs. UOI & Ors. (Annexure A-3). The learned counsel for the respondents stated that after the judgment were given by the Tribunal under which it may not be possible to consider the requests of the applicant and in this context they have relied on the judgment of the Principal Bench of the Tribunal in the case of Ranvir Singh Vs. UOI & Ors., in OA No. 2623/2002 passed on 14th November, 2002 (Annexure R-1) On perusal of the said order we find that in that case the applicants were working as Bailer and sought regularisation against the post of LDC and the Tribunal in the said OA have stated that since the applicant has been appointed as Bailer they are not entitled for regularisation to the post of LDC. In the instant case the applicants were appointed as LDC and are working as such.

5. In this view of the matter we find that the present cases are fully covered by the decision of the Tribunal passed in OA No. 786/1996 in which the direction given as under shall mutatis-mutandis applicable in the present cases.

"3.....
In the facts and circumstances of the case we are of the view that the respondents should treat the applicants as casual labourers for the entire period of their engagement and regularise their services in accordance with law within a period of six months. The application is accordingly allowed. The parties shall bear their own costs."

6. Accordingly, the Original Applications stands disposed of in the aforesaid terms. No order as to costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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Received
On 14-12-2011
S. S.

M. N. Benoyee
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S. C. Sharma D. D. B.
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