

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.731/2014

M.A.No.637/2014

Order Reserved on: 18.05.2016

Order pronounced on 25.05.2016

Hon'ble Shri V. Ajay Kumar, Member (J)

Hon'ble Shri Shekhar Agarwal, Member (A)

1. Prakash Kumar

S/o Shri Brij Lal

R/o A-54, Phase-IA

Om Vihar, Uttam Nagar

New Delhi – 110 059.

Presently posted as Daily Wager Chowkidar

M.C.D. Primary School

A-1/A, Janak Puri

New Delhi – 110 058.

2. Ramanand

S/o Shri Kajormal

R/o D-193, D-Block

J.J.Colony, Shiv Vihar

Delhi.

Presently posted as Daily Wager Chowkidar

S.D.M.C.Primary School

B-3A, Janak Puri

New Delhi – 110 058.

3. Ramesh Kumar Singh

S/o Shri Suhut Narain Singh

R/o B-36, B-Block, Janta Colony

Raghubir Nagar

New Delhi.

Presently posted as Daily Wager Chowkidar

M.C.Primary School

5. Mahender Kumar
S/o Shri Ram Swaroop
R/o RZ-E-627/17
Sadh Nagar-II, Palam Colony
New Delhi – 110 045.
Presently posted as Daily Wager Chowkidar
M.C.Primary Model School
C-2, Janak Puri
New Delhi – 110 058. ... Applicants

Versus

1. Commissioner
South Delhi Municipal Corporation
Civic Centre
JLN Marg, Minto Road
New Delhi – 110 002.
Concerned Department:
Education Department,
West Zone.
2. Director (Education)
Education Department
South Delhi Municipal Corporation
Civic Centre

JLN Marg, Minto Road
New Delhi – 110 002.

3. Deputy Director (Education)
West Zone
Education Department
South Delhi Municipal Corporation
Civic Centre
JLN Marg, Minto Road
New Delhi – 110 002.

... Respondents

(By Advocate: None)

ORDER

By V. Ajay Kumar, Member (J):

MA No.637/2014, filed for joining together, is allowed.

2. The applicants, who are working as EWZI-Chowkidars under the respondent-South Delhi Municipal Corporation (in short, SDMC), filed the OA seeking a direction to respondents to regularize their services on the post of Chowkidar retrospectively w.e.f. 08.06.2007, with all consequential benefits.

3. In short, the case of the applicants is that they are entitled for regularization of their services and though the respondents regularized some of their juniors as Chowkidars but not considered their cases in spite of their repeated representations.

4. Heard Shri K.P.Gupta, the learned counsel for the applicants and as none appeared on behalf of the respondents for the last three occasions, we proceeded to dispose of the matter as per Rule 16 of the

Central Administrative Tribunal (Procedural) Rules, 1987 after perusal of the pleadings on record.

5. A short reply has been filed on behalf of the respondents No.1 to 3 on 20th August, 2015, by stating that the applicants are daily wagers w.e.f. 2007 and the matter of regularization of such employees is a policy matter being dealt by Education Department, and reserving their right to file a detailed reply, if necessary. However, in spite of specific directions on various occasions by this Tribunal to file detailed counter, none of the respondents chosen to file any detailed counter. Even when this matter taken up for hearing, there is no representation on their behalf. Hence, the OA is considered as per the pleadings available on record, after hearing the learned counsel for the applicant.

6 The learned counsel for the applicants drawn the attention of this Tribunal to Annexure A17, i.e., the seniority list of the Daily Wages Chowkidars of the Municipal Corporation of Delhi, Education Department, Headquarters (Class IV Branch), wherein the names of Shri Sunil Kumar (S/o Brij Mohan) and Shri Subhash Chand (S/o Mehar Chand) were shown as juniors to the applicants. Our attention also drawn to Annexure A18 and A19 dated 21.09.2015 and 24.09.2015 respectively whereunder the said Shri Sunil Kumar and Shri Subhash Chand were regularized as Chowkidars.

7. In view of non-denial of the OA averments by the respondents and that in view of the fact the juniors to the applicants have been considered for regularization, the applicants are also entitled for

consideration of their cases for regularization as Chowkidars w.e.f. the date on which their juniors were regularized.

8. In the circumstances and for the aforesaid reasons, the OA is allowed and the respondents are directed to consider the cases of the applicants for regularization as Chowkidars w.e.f. the date on which their juniors were regularized, with all consequential benefits. This exercise shall be completed within 60 days from the date of receipt of a copy of this order. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)

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