

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA 2453/2015

MA 2175/2015

this the 28th day of October, 2015

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

Hon'ble Dr.Birendra Kumar Sinha, Member (A)

1. Shri Vidya Nand
Aged about 46 years
S/o Shri Shyam Singh
R/o 24/269, Old Prem Nagar
New Delhi
(Working as casual labour (Temporary Status))
2. Ashok Kumar Manjhi
Aged about 46 years
S/o Shri Moti Lal Manjhi
R/o 27/9, Sector-1
Molar Band Road, New Delhi
(Working as casual labour (Temporary Status))
3. Satinder Manjhi
Aged about 42 years
S/o Shri Sita Ram Manjhi
R/o O-537, Sewa Nagar
New Delhi
(Working as casual labour (Temporary Status))
4. Dular Chand Prasad
Aged about 44 years
S/o Shri Nagen Prasad
R/o P-528, Sewa Nagar
New Delhi
(Working as casual labour (Temporary Status))
5. Chaman Lal
Aged about 47 years
S/o Late Ram Phal
R/o 5/11, Friends Enclave
Sector-5, Sultan Puri
New Delhi
(Working as casual labour (Temporary Status))

6. Bhagat Singh
Aged about 44 years
S/o Shri Deep Chand
R/o Village Madhwali
Post Tigaon, Faridabad
Haryana
(Working as casual labour (Temporary Status))
7. Lal Chand
Aged about 43 years
S/o Late Puran Lal
R/o D-290, Netaji Nagar
New Delhi
(Working as casual labour (Temporary Status))
8. Anil Kumar
Aged about 47 years
S/o Late B.N.Singh
R/o 417, Sunlight Colony No.1
New Delhi
(Working as casual labour (Temporary Status))
9. Sunder Singh Rana
Aged about 43 years
S/o Late K.S.Rana
R/o F-1944, Netaji Nagar
New Delhi
(Working as casual labour (Temporary Status))
10. Shyam Lal
Aged about 46 years
S/o Late Musdde Lal
R/o 1/2, 948, Gali No.15
Sangam Vihar, New Delhi
(Working as casual labour (Temporary Status))
11. Vinod Kumar
Aged about 42 years
S/o Shri Jai Pal Singh
R/o H.No.265, Gali No.11
Ajit Nagar, Sheelam Pur
New Delhi
(Working as casual labour (Temporary Status))

12. Suresh Ram

Aged about 54 years
 S/o Shri Chhaju Ram
 R/o 184, Block-C, 11
 Kodhi Road, new Delhi
 (Working as casual labour (Temporary Status))

13. Tek Singh

Aged about 52 years
 S/o Shri Bidha Ram
 R/o A-211, Gali No.2
 North Vinod Nagar, Delhi
 (Working as casual labour (Temporary Status))

14. Braham Pal

Aged about 45 years
 S/o Late Hukam Chand
 R/o H.305, Sewa Nagar
 New Delhi
 (Working as casual labour (Temporary Status))

15. Sudesh Kumar

Aged about 46 years
 S/o Late Chander Bhan
 R/o E-23, East Gukul Puri
 Delhi
 (Working as casual labour (Temporary Status)) Applicants.

(By Advocate: Shri S.K.Gupta)

Versus

Union of India through

1. Secretary

Department of Personnel & Training
 Ministry of Personnel, Pension & Public Grievance
 North Block, New Delhi

2. Chairman

Staff Selection Commission
 Lodhi Road
 New Delhi – 110 003

.....Respondents

(By Advocate: Shri Hanu Bhaskar)

ORDER (ORAL)

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

Heard both sides.

2. All the applicants were originally appointed as Casual Labourers under the 2nd respondent, Staff Selection Commission and thereafter in pursuance of the Annexure A-4 Scheme of the 1st respondent-DOP&T, they were conferred the benefit of temporary status vide Annexure A-3 Office Order dated 24th November, 1993 w.e.f.01.09.1993.

3. The grievance of the applicants in the present OA is that though the respondents regularized the services of certain juniors as Group 'D' employee, they have not regularized the services of their services till date.

Therefore, they filed the present OA seeking the following reliefs:-

- “(i) quash & set aside the action of respondent no.2 in not regularizing the services of the applicants;
- (ii) direct the respondent no.2 to consider the case of the applicants for regularization on merits based upon their past services and if the applicants are found fit, they may be regularized w.e.f. the date when juniors were regularized with all consequential benefits.
- (iii) May also pass any further order(s), direction(s) as be deemed fit and proper to meet the ends of justice.”

4. The respondent no.2 vide their detailed reply have not disputed the aforesaid facts, stating that the process of considering the cases of the applicants for regularization is under process in terms of Annexure R-1 office memorandum dated 24.07.2015. It is further submitted that no juniors to the applicants were regularized which the applicants' counsel seriously disputes. It is also relevant to state that 1st respondent issued OM dated 16.10.2014 where under all the Ministries or departments were directed

to consider the cases of the persons in the light of ratio laid down in **State of Karnataka Vs. Uma Devi**, (2006 (4) SCC 1).

5. In the circumstances and in view of the stand taken by the respondents, we dispose of the OA by directing the respondents to complete the exercise of regularisation of the services of the applicants, as per rules and to pass appropriate orders within three months from the date of receipt of a copy of this order. It is made clear that after the respondents have passed orders, if the applicants are having any grievance about their seniority and any other issues, they are at liberty to seek appropriate remedy in accordance with law.

No costs.

(Dr.Birendra Kumar Sinha)
Member (A)

(V.Ajay Kumar)
Member (J)

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