

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

OA 3387/2012

Reserved on: 30.03.2017  
Pronounced on: 5.04.2017

**Hon'ble Mr. P.K. Basu, Member (A)**  
**Hon'ble Mr. Raj Vir Sharma, Member (J)**

1. Narender Kumar Sharma  
S/o Shri Brama Nand Sharma  
R/o Gali No.9, Kamla Nagar  
Gusa Road, Badot Uttar Pradesh  
Working as Beldar under Superintending Engineer  
R Division CPWD, I.P. Bhawan,  
New Delhi
  2. Dharamvir Singh S/o Shri Malkhan Singh  
Working as Beldar under Superintending Engineer  
R Division CPWD, I.P. Bhawan,  
New Delhi
- ... Applicants

(Through Shri Yogesh Sharma, Advocate)

Versus

1. Union of India through the Secretary  
Ministry of Urban  
Nirman Bhawan, New Delhi
  2. The Director General of Works  
Central Public Works Department  
Nirman Bhawan, New Delhi
  3. The Superintending Engineer  
R Division CPWD, I.P. Bhawan,  
New Delhi
- ... Respondents

(Through Sh.Yogesh Mahur for Sh.Gyanendra Singh, Advocate)

ORDER

Mr. P.K. Basu, Member (A)

The applicants were appointed as Beldar on muster roll basis in 1983 in the Central Public Works Department (CPWD). They were regularized as Beldar in February 1993. This OA has been filed by the applicants being aggrieved by the fact that several Group 'D' employees junior to them have been regularized from 24.09.1992 in pursuance of orders passed by this Tribunal in OAs filed by other Group 'D' staff whereas they have been regularized with effect from 15.02.1993. The applicants and others approached the Tribunal in OA 4634/2011 and the Tribunal vide order dated 5.01.2012 directed the respondents to consider their representation and pass a speaking order.

2. The respondents passed the speaking order dated 12.03.2012, rejecting the claim of the applicants assigning the following reasons:

"However, to seek parity for any service matter regarding seniority, one has to show equality among equals. That is, the parity may be made between same categories of staff. One Beldar can claim equality with another Beldar only. However, in this particular case the applicants are seeking parity with electrical work charged staff, i.e., Khallasi, Wireman and Operator (E&M) as the copies of OA attached with their representation and referred by them as well as orders of ante-dating issued by this office relates to Electrical Work charged staff. They had not mentioned even a single Beldar who is engaged as a casual Beldar after them on Muster Roll/ Hand Receipt and regularized before them. Hence, it is not feasible to ante-date their date of seniority."

Being aggrieved by this order, the applicants have filed the instant OA seeking the following reliefs:

“That the Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 12.03.2012 declaring to the effect that the same is illegal and discriminatory and consequently pass an order directing the respondent to consider the applicants for their antedating regularization w.e.f. 24.09.92 by way of extending the benefit of order dated 07.07.09 by which the juniors and similar situated persons have been given antedating regularization w.e.f. 24.09.92, with all the consequential benefits including the benefits of ACP/MACP and promotion etc.”

3. The grounds on which such reliefs have been sought are that the respondents have regularized the services of those who were junior to the applicants from a prior date. It is stated by learned counsel for the applicants that they are similarly situated to the applicants in earlier OAs no. 2717/2008 and 1991/2008 and the applicants in those OAs were granted the benefit of antedated regularization.

4. The respondents in their reply have explained that they have not accepted the contention of the applicants because the applicants were engaged as Beldar and subsequently regularized as such and the benefit of antedated regularization has been allowed to Khallasi, Wiremen and Pump Operators, who belong to electrical category and that the provision in the Recruitment Rules (RRs) is distinctly different from that of Beldar.

5. We have heard the learned counsel for the parties and gone through the pleadings available on record.

6. Both the applicants and the other group 'D' staff have been regularized. The only dispute is that the applicants have been regularized with effect from 15.02.1993 whereas others have been given antedated benefit from 24.09.1992. The distinction being made by the respondents is that whereas the applicants are Beldars, the Wiremen, Khallasi etc. who have been granted antedated regularization belong to Electrical category and their RRs are different.

7. We fail to understand how the RRs matter. They were all group 'D' staff who joined at various points of time. One set of group 'D' staff have been regularized with effect from 24.09.1992 whereas the applicants who were senior to some of these group 'D' staff have been regularized from a subsequent date i.e. 15.02.1993. Under the same organization, such distinction is clearly discriminatory. They were all group 'D' staff on casual basis to start with and were appointed on Muster Roll and thereafter, as per CPWD policy, were regularized.

8. Clearly, the date of regularization cannot differ based on who joined in which department as that is discriminatory and violative of Articles 14 and 16 of the Constitution of India. We, therefore, allow this OA with a direction to the respondents to regularize the applicants also with effect from 24.09.1992 with

all consequential benefits within a period of 90 days from the date of date of receipt of a copy of this order. No costs.

( Raj Vir Sharma )  
Member (J)

( P.K. Basu )  
Member (A)

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