

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1428/2017

Order Reserved on: 09.10.2018
Order Pronounced on: 26.10.2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Shri Satyavir Singh,
S/o Sh. Shiv Kumar,
Aged about 45 years,
R/o H.No.2/25, Ram Mohalla,
Village: Johri Pur, New Delhi-94

- Applicant

(By Advocate: Mr. Sanjiv Joshi)

VERSUS

1. Delhi Jal Board,
Through its CEO,
Room No.103, Phase-II,
Karol Bagh, Delhi-110005
2. Delhi Jal Board,
Through its Assistant Director (P&M)
Varunala Phase 2
Karol Bagh, New Delhi-110005
3. Delhi Jal Board,
Through its Executive Engineer,
North West-I, H-57, Udyog Nagar,
Peera Garhi, Delhi-41

- Respondents

(By Advocate: Mr. Vishwendra Verma)

O R D E R

This Original Application has been filed by the applicant,
seeking the following reliefs:-

- “a) set-aside the office order dated 08.12.2016 issued by the respondents whereby earlier office order no.32 dated 24.02.2015 was reviewed, without any justification and reason;
- b) direct the respondents to re-appoint the applicant to the post of Pump Operator in consonance with its earlier order dated 24.02.2015 with continuity of service and all consequential benefits;
- c) produce the relevant official record of the case;

d) pass such other and further order as this Hon'ble Tribunal may deem fit and proper in the interest of justice."

2. It is the case of the applicant that the respondents have issued impugned order dated 08.12.2016 whereby earlier order no.32 dated 24.02.2015 was reviewed and modified to the extent that the services of the applicant were regularized to the post of Assistant Pump Operator instead of Pump Operator, in violation of the directions of the Hon'ble High Court in WP(C) No. 2532/2014.

3. In their reply, the respondents have controverted the aforesaid fact and submitted that the Hon'ble High Court in the aforesaid Writ Petition has stated that the applicant appeared to have acquired the qualification for the post of Assistant Pump Operator and directed the Delhi Jal Board to consider his case in the light of existing norms. They have thus in compliance of the directions of the Hon'ble High Court, constituted the Departmental Screening Committee which has observed that the applicant has possessed the required educational/technical qualification as prescribed in the recruitment rules for the post of Assistant Pump Operator. As such, the services of the applicant were regularized as Assistant Pump Operation. The respondents have thus prayed that the OA is liable to be dismissed.

4. Heard the learned counsel for the parties and perused the pleadings.

5. The only issue that comes for consideration of this Court is whether the respondents have complied with the directions of the Hon'ble High Court passed in WP(C) No. 2532/2014 in true letter

and spirit. This Court thus refers to directions of the Hon'ble High Court in WP(C) No. 2532/2014 which read as under:-

“4. It is evident that the petitioners are beneficiaries of the existing regularization scheme and were regularized as Beldar. Many of them have worked for more than four years as Assistant Pump Operator. While this reality cannot be ignored, equally almost all of them did not hold or possess essential qualification in that regard; to that extent the rules were not followed. Out of them, two employees appear to have acquired the qualification in respect of the post of Assistant Pump Operator. In the light of these facts, the only direction that can be issued in the circumstances is that the Delhi Jal Board may consider the case of the said two employees who have acquired the qualification in the light of existing norms and pass appropriate orders.”

6. Quite clearly, the respondents have rightly regularized the services of the applicant as Assistant Pump Operator on the basis of his qualifications and as per the recruitment rules and in the light of the aforesaid directions of the Hon'ble High Court. Hence, they are not found to have committed violation of the directions of the Hon'ble High Court in the aforesaid Writ Petition. The OA is dismissed as being bereft of merit. No costs.

(Nita Chowdhury)
Member (A)

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