

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 708/2014
MA 3882/2015

Reserved on 13.11.2018
Pronounced on 12.12.2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)**

Sh. Ghhammi,
S/o Sh. Tek Chand,
R/o Village Gwal Pahari,
Gurgaon, Haryana. ... Applicant

(By Advocate: Ms. Meghna De for Mr. Rajiv Aggarwal)

VERSUS

1. The Secretary,
Solar Energy Centre (N.I.S.E)
Management of New & Renewable
Energy Sources,
Block No.14, CGO Complex,
Lodhi Road, New Delhhi.

2. The Advisor,
Solar Energy Centre (N.I.S.E)
Management of New & Renewable
Energy Sources,
Block No.14, CGO Complex,
Lodhi Road, New Delhhi.

3. The Advisor,
Solar Energy Centre (N.I.S.E)
Management of New & Renewable
Energy Sources,
Gurgaon-Faridabad Road,
19th Mile Stone, Gwal Pahari,
Distt. Gurgaon-122001,
Haryana. .. Respondents

(By Advocate: Mr. Subhash Gosai)

ORDER**Hon'ble Mr. S.N.Terdal, Member (J):**

Heard Ms. Meghna De for Mr.Rajiv Agarwal, counsel for applicant and Mr. Subhash Gosai, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In the OA, the applicant has prayed for the following reliefs:

- "(i) direct the respondent to regularize the services of the applicant aforesaid on the post of Helper with retrospective effect since his joining on the post of Helper i.e. 01.06.1988 and he be paid entire consequential benefits either monetary or non-monetary or otherwise;
- (ii) pass any such other or further order (s) as this Hon'ble Tribunal may deem fit and appropriate in favour of the Applicant; and
- (iii) allow the present Original Application with costs, in favour of the Applicant."

3. The relevant facts of the case are that the applicant along with six others were conferred temporary status w.e.f. 1.09.1993 in view of the DOP&T OM 51016/2/90-Estt. (D) dated 10.09.1993. The said 7 persons remained in the strength of respondents organization, namely, Solar Energy Centre. That in view of 6th Central Pay Commission the Group D posts are re-designated as Multi Task Staff (MTS) and accordingly to fit the applicant into MTS along with the others he was also given training and he is placed in the PB-1 pay scale. But, however, the Solar Energy Centre is now converted into National Institute of Solar Energy.

4. The petitioner has prayed for being absorbed in Solar Energy Centre and but the said Solar Energy Centre is no more existing as it is now converted into National Institute of Solar Energy. The respondents

in the written statement stated that there is possibility of selecting the applicant in the National Institute of Solar Energy on completion of the selection process. The relevant portion of the counter reply is as stated below:

“... The supporting staff of SEC who opt to join the NISE would need to go through a selection process. Hence in the changed scenario, it is not possible to regularize the Casual Labourers (Temporary Status) in Solar Energy Centre which is no more in existence. However, there may be possibilities of their selection in National Institute of Solar Energy Centre on completion of selection process.”

5. In view of the averments made by the respondents extracted above, there is possibility of the applicant being absorbed. However, this case is pending since 2014 and even at the time of hearing none of the parties have stated about the latest development regarding the regularization/absorption.

6. In the facts and circumstances, we are of the opinion that a time bound direction be issued to the respondents to complete the absorption process. Accordingly, OA is allowed. The respondents are directed to complete the process of regularization /absorption/ selection in National Institute of Solar Energy within a period of 3 months from the date of receipt of this order. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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