

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

O.A. No. 528/2019

M.A. No. 597/2019

M.A. No. 598/2019

The 21<sup>st</sup> day of February, 2019

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)**  
**HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

1. Ajay Mitra,  
S/o Shri S.D. Shastri,  
R/o H.No.A/9, Gali No.1,  
Braham Puri, Delhi-110053  
Age : 52 years, Group 'D'  
Working at Admin Section RTI Cell  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
2. Khem Singh,  
S/o Shri Kunwar Singh,  
R/o A-1/101, Gali No.5,  
Rajapuri, Uttam Nagar,  
New Delhi-110059  
Age : 59 years, Group 'D'  
Working at Guest House  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
3. L.B. Mehta,  
S/o Shri L. Sita Ram,  
R/o B-309, Brij Vihar,  
Ghaziabad  
Age : 51 years, Group 'D'  
Working at Reception  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
4. Mangal Sain,  
S/o Late Shri Harcharan Singh,  
R/o D-153, Gali No.11,  
Bharati Vihar, New Delhi-110094  
Age : 48 years, Group 'D'  
Working at Vector Control Lab  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.

5. Noor Hasan,  
S/o Bhola Khan,  
R/o H.No. 140, B-Block,  
Sangam Vihar, Loni Ghaziabad,  
Uttar Pradesh  
Age : 57 years, Group 'D'  
Working at Admin-I  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
6. L.N. Mishra,  
S/o Late Shri Maksudan Mishra,  
R/o H.No.G-70, A/1, Om Vihar Phase-5,  
Uttam Nagar, New Delhi-110059  
Age : 51 years, Group 'D'  
Working at Accounts Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
7. Surendra Nath Rai,  
S/o Surya Bhan Rai,  
R/o 26A Block-B, Arjun Park,  
Najafgarh, New Delhi-110043  
Age : 50 years, Group 'D'  
Working at GIS Lab  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
8. Abrar Ali,  
S/o Shri Abdul Kareem,  
R/o House No.396, Village Pipleda  
Post Masori Dist.-Hapur, UP-245101  
Age : 48 years, Group 'D'  
Working at Despatch Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
9. Satyaveer Sharma,  
S/o Shri Raj Kishore Sharma,  
R/o H.No.531-A, South Ganesh Nagar,  
Gali No.10, Delhi-110092  
Age : 48 years, Group 'D'  
Working at ECR Division  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.

10. Krishan Pal,  
S/o Nirmal Singh,  
R/o Village Nangla Bari, Post Rataul,  
Tehsil Khekra, Distt. Baghpat,  
Uttar Pradesh  
Age : 48 years, Group 'D'  
Working at CIF Lab  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
11. Devendra Singh,  
S/o Late Dhan Singh,  
R/o L-12, Gali No.4,  
Som Bazar Road, Rajapuri,  
Uttam Nagar, New Delhi-110059  
Age : 48 years, Group 'D'  
Working at Admin-I  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
12. Keshar Singh,  
S/o Late Bahadur Singh,  
R/o H.No.540-A, Nayakhand I  
Inderapuram, Ghaziabad, Uttar Pradesh  
Age : 49 years, Group 'D'  
Working at Guest House  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
13. Purshottam Dutt Uniyal,  
S/o Shiv Mani,  
R/o A-1365, Gali No.2,  
Madhu Vihar, Delhi-110059  
Age : 49 years, Group 'D'  
Working at Director Office  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
14. Rajesh Kumar,  
S/o Shri Bal Kishan,  
R/o Village Dutpura,  
Delhi-110096  
Age : 49 years, Group 'D'  
Working at Duplicating Section

National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.

15. Rakam Singh,  
S/o Harpal Singh,  
R/o Village Puthi, Parischit Garh,  
PO-Khaj, Distt. Meerut, U.P.  
Age : 47 years, Group 'D'  
Working under Dr. Arun Sharma  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
16. Sadaruddin,  
S/o Late Shri Ghasita,  
R/o H.No.355, Gali No.15A,  
Vijay Park, Delhi-110053  
Age : 48 years, Group 'D'  
Working at GEMB  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
17. Kanwarjit Singh,  
S/o Sukhbeer Singh,  
R/o Village Chittora, Post Noorpur,  
Distt. Ghaziabad, Uttar Pradesh  
Age : 56 years, Group 'D'  
Working at Lab  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
18. Prakash Chandra Joshi,  
S/o Late Devi Dutt Joshi,  
R/o 1054/3A, Raj Nagar,  
Delhi-110077  
Age : 55 years, Group 'D'  
Working at Transport Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
19. Madan Singh,  
S/o Gopal,  
R/o H.No.3B 1106, Gali No.2,  
Vishwas Park, Raja Puri,  
Uttam Nagar, Delhi-110054  
Age : 45 years, Group 'D'

Working at Publication Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.

20. Umesh Kumar,  
S/o Om Prakash,  
R/o H.No.F.No.17, Nehru Garden,  
New Roshan Pura, Najafgarh,  
New Delhi-110043  
Age : 49 years, Group 'D'  
Working at Electric Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
21. Hira Kant Jha,  
S/o Jiva Kant Jha,  
R/o C-2/7 Budh Vihar Phase-I,  
Near Som Bazar Road,  
Delhi-110086  
Age : 46 years, Group 'D'  
Working at Lab  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
22. Shiv Darshan Singh Rawat,  
S/o Trilok Singh Rawat,  
R/o H.No.537, Gali No.\_\_\_  
Lakhpat Colony Part-II Badarpur,  
New Delhi-110044  
Age : 46 years, Group 'D'  
Working at Accounts Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
23. Anil Kumar,  
S/o Shyam Chand,  
R/o VPO Bhigan, H.No.545,  
Distt. Sonipat, Haryana  
Age : 46 years, Group 'D'  
Working at Accounts Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
24. Jyotsana Rani Das,  
S/o Late Sh. Dharma Kanta Das,

R/o Vill. Kamarkuchi, P.O. Tepesia  
PS Sonapur, Distt. Kamrup (M)  
Assam-782402  
Age : 51 years, Group 'D'  
Working at Guwahati Station of  
National Institute of Malaria Research  
Assam.

25. Jagdish Chand,  
S/o Dhuri Chand,  
R/o R-48, Hastshal Village,  
Delhi-110059  
Age : 49 years, Group 'D'  
Working at AO Office  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
26. Mohd. Yasin,  
S/o Sherdin,  
R/o Village & Part Khirki,  
Tehsil Modi Nagar, Distt. Ghaziabad  
Age : 48 years, Group 'D'  
Working at Hindi Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
27. Dharam Singh,  
S/o Kishan Lal,  
R/o H.No.101, Chandra Vihar,  
Mandawali, New Delhi-110092  
Age : 54 years, Group 'D'  
Working at Lab  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
28. Gauri Dutt,  
S/o Khemanand,  
R/o R F788/4, Raj Nagar,  
Palam, New Delhi  
Age : 50 years, Group 'D'  
Working at RTI Cell,  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.

29. Momin Ali  
S/o Shahid Ali,  
R/o House No.396, Village Pipleda,  
Post Masori, Dist.Hapur,  
UP-245101  
Age : 45 years, Group 'D'  
Working at Bill Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
30. Shakeel Ahmad,  
S/o Salimuddin,  
R/o Village Arifur, PO Jalabuddin  
Distt. Ghaziabad, Uttar Pradesh  
Age : 44 years, Group 'D'  
Working at Lab  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
31. Jitender Singh,  
S/o Veer Singh,  
R/o Village Ramgarh,  
Zila Gautam Budh Nagar, UP  
Age : 46 years, Group 'D'  
Working at Admin-I  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
32. Nawab Singh,  
S/o Chidda Singh,  
R/o Village Chajjupur, Zila Hapur,  
Uttar Pradesh  
Age : 46 years, Group 'D'  
Working at Transport Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
33. Prakash Narayan,  
S/o Jhau Lal,  
R/o Khasra No.69/11, Block No.\_\_\_\_  
Gali No.20, Kausik Enclave, Burari  
Delhi-110062  
Age : 44 years, Group 'D'  
Working at Accounts Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.

34. Sanjeev Kumar,  
S/o Late Shri Janak Singh,  
R/o NIMR, PU, Zirakpur,  
Dhakauli, Chandigarh  
Age : 47 years, Group 'D'  
Working at Field & Lab  
National Institute of Malaria Research  
Chandigarh.
35. Subhash,  
S/o Late Shri Bishan Singh,  
Village Eklandi Pokhraj Distt.  
Ghaziabad (UP)  
Age : 43 years, Group 'D'  
Working at Lab  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
36. Permander Kumar,  
S/o Late Shri Sai Singh,  
R/o H.No.268, Village & Post Barvdela,  
Delhi-110039  
Age : 49 years, Group 'D'  
Working at Publication Section  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
37. Shishu Pal Singh,  
S/o Late Shri Sadho Singh Negi,  
R/o Village Barkhet Mulla,  
PO Budhyar Gaon, Distt. Pauri Garwal,  
Uttarakhand  
Age : 51 years, Group 'D'  
Working at Library  
National Institute of Malaria Research  
Sector-8, Dwarka, New Delhi-110077.
38. S. Indrani,  
W/o Seelvamuthu,  
R/o H.No.144, R.K. Puram,  
Pursawalkam, Vepery,  
Chennai-600007  
Age : 57 years, Group 'D'  
Working at National Institute of Malaria Research  
Chennai.



39. V. Malinga,  
W/o G. Veerappan,  
R/o 57, Manavazad Street,  
Kulasekpuram, Chimaynagar,  
Virvambakkam, Chennai-600092  
Age : 53 years, Group 'D'  
Working at National Institute of Malaria Research  
Chennai.
40. Mrs. K. Bhagya Latha,  
D/o K.G. Krishnan,  
R/o H.No.MIG 52F,  
Bharthi Dasan Colony,  
K.K. Nagar, Chennai-600078  
Age : 58 years, Group 'D'  
Working at National Institute of Malaria Research  
Chennai.
41. Rajendra Prasad Tiwari,  
S/o Sri Chandra Tiwari,  
R/o E-723, East Ist Lane,  
ITI Doorvani Nagar,  
Banglore-560016  
Age : 55 years, Group 'D'  
Working at National Institute of Malaria Research  
Bangalore.
42. Roop Chandra,  
S/o Shri Kishore Kumar,  
R/o Village Balur, Part-Mirza,  
Distt. Siwan, Bihar-841239  
Age : 54 years, Group 'D'  
Working at National Institute of Malaria Research  
Ranchi. .. Applicants

(By Advocate: Shri Vaibhav Kalra with Ms. Neha Bhatnagar)

Versus

1. Department of Health Research  
Through its Secretary,  
2<sup>nd</sup> Floor, IRCS Building,  
Red Cross Road, New Delhi-110003.

2. Department of Expenditure,  
Through its Secretary,  
Ministry of Finance,  
North Block, New Delhi-110001.
  3. Ministry of Law & Justice,  
Through its Secretary  
4<sup>th</sup> Floor, A-Wing,  
Shastri Bhawan,  
New Delhi-110001.
  4. Department of Personnel Training,  
Through its Secretary,  
North Block, Central Secretariat,  
New Delhi-110001.
  5. Indian Council of Medical Research,  
Through its Director General,  
Ansari Nagar,  
New Delhi-110029.
  6. National Institute of Malaria Research,  
Through its Director,  
Sector-8, Dwarka,  
New Delhi-110077.
- .. Respondents

(By Advocate : Shri S.K. Tripathi for Shri Gyanendra Singh)

### **ORDER (ORAL)**

**By Mr. V. Ajay Kumar, Member (J)**

Heard Shri Vaibhav Kalra, learned counsel for the applicants and Shri S.K. Tripathi proxy for Shri Gyanendra Singh, learned counsel appeared on behalf of the respondents on receipt of advance notice.

2. MA 597/2019 filed for joining together is allowed.

3. MA 598/2019 filed for seeking exemption is also allowed.

4. The applicants, who are presently working as temporary status casual employees under the respondent No.6 – National Institute of Malaria Research, filed the O.A. seeking the following relief(s):

- “(i) Call for the records of the case;
- (ii) Direct the respondents to extend the benefit of regularization of their service from their initial date of appointment with all consequential service benefits to the Applicants in terms of the various judgments passed by this Hon’ble Tribunal, High Courts as well as the Hon’ble Supreme Court of India;
- (iii) Direct the Respondents to give all consequential benefits to the applicants from the date of their respective initial appointments including pay revision, pensionary benefits, arrears of pay, DA, HRA, Transport Allowance, Casual Leave, Earned Leave, Medical Leave, CCL, CGHS (Medical Facility), Uniform, Tuition Fee, LTC, GPF/NPS, GILS, Pension, Gratuity (Under CCS Pension Rules), Leave Encashment, Computer Advance, ACP/MACP etc.
- (iv) Pass such other and further order(s) as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case in the interest of justice.”

5. It is submitted that the applicants and their Association have made number of representations ventilating their grievances to the respondents. Though the respondents have not passed any final orders, however, vide Annexure A-49 dated 10.10.2018, it appears that the respondents are in the process of considering the cases of the applicants for regularisation and, accordingly, prayed for a

direction to the respondents to take a final view on the issue, within a fixed timeframe.

6. In the circumstances, the O.A. is disposed of at the admission stage itself, without going into the merits of the case, by directing the respondents to consider the claims of the applicants in terms of the Annexure A-49 dated 10.10.2018 and to take a final view and to pass appropriate speaking and reasoned orders thereon, in accordance with law, within 90 days from the date of receipt of a certified copy of this order. No order as to costs.

Let a copy of the O.A. be enclosed to this order.

**(A.K. BISHNOI)**  
**Member (A)**

**(V. AJAY KUMAR)**  
**Member (J)**

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