

Central Administrative Tribunal  
Principal Bench

O.A. No.632/2003

New Delhi this the 12th day of November, 2003

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

Bishambhar Mishra  
House No. 337/IOA.  
Master Mohalla,  
Village Tughlakabad,  
New Delhi-110044.

-Applicant

(By Advocate: Shri G.K. Aggarwal)

Versus

1. Union of India through  
Director General (Works), CPWD  
Nirman Bhawan, New Delhi-110011
2. Superintending Engr(Elect)  
Coord Circle (E), CPWD,  
East Block-1, Level-7,  
RK Puram, New Delhi-110066
3. Superintending Engr(Elect)  
Outer Delhi Electrical Circle, CPWD  
East Block-3, RK Puram, New Delhi-110066.
4. Superintending Engr, Delhi Central  
Circle-V, CPWD, East Block-IV,  
RK Puram, New Delhi-110066.

-Respondents

(By Advocate: Shri Rajinder Nischal)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)

Applicant is stated to have joined CPWD as hand-receipt Motor Lorry Driver(MLD) on 1.9.1989 and continued as such. He is aggrieved by non-grant of temporary status/regular status as MLD in CPWD though eligible /entitled to, while his juniors were granted the same.

2. At the outset, learned counsel of the respondents Shri Rajinder Nischal pointed out that the Scheme for according temporary status is applicable to

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Group 'D' employees alone. Learned counsel of applicant has admitted this position, however, he stated that applicant should be considered for grant of regular status instead of MLD in CPWD retrospectively with consequential benefits since applicant's juniors have been granted regular status. He has drawn my attention to Annexure A-3 which is the list of MLD regularised after 19.11.85. He specifically referred to S1 No. 33 Shri Ram Dutt Singh, S1 No. 36 Shri Bir Pal Singh, S1 No. 37 Shri Khushi Ram, S1 No. 42 Shri Ram Chander and S1 No. 43 Shri Mool Chand, whose date of first entry in the department was after July 1989 but were regularised on dates indicated in Annexure A-3. Learned counsel stated that applicant having entered service in September 1989 is entitled for grant of regular status vis-a-vis the aforesaid juniors. He also relied on order dated 14.12.2000 in OA-1338/2000 Shri V.S. Rawat Vs. Union of India and others (Annexure A-4) whereby the applicant, therein, was held to be deserving to be treated in the same way in which certain juniors had been treated and regularised/confirmed.

3. Learned counsel of respondents Shri Rajinder Nischal agreed that respondents have no objection to consider the candidature of the applicant for regularisation of his services as MLD in CPWD in terms of 1988 instructions Annexure A-3 and Annexure

A-4.

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4. In light of the above contentions of both sides, this OA is disposed of directing the respondents to consider the claim of the applicant for regularisation as MLD in CPWD in the light of 1988 instructions Annexure A-3 and Annexure A-4 within a period of three months from the date of communication of these orders. No costs.

V.K. Majotra

(V.K. Majotra)  
Vice-Chairman (A)

cc.