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Central Administrative Tribunal
Principal Bench

OA-1684/2003

New Delhi this the 13th day of February, 2004

Hon'ble Shri V.K. Majotra, Vice-Chairman (A)
Hon'ble Shri Shanker Raju, Member (J)

Murari Lal Sharma
Working as Motor Lorry Driver,
In the office of Executive Engineer,
CPWD, Ghaziabad, Central Divn.
Ghaziabad.

-Applicant

(By Advocate: Shri P.S. Goindi)

Versus

Union of India & Others
Through

1. Director General of Works
CPWD, Nirman Bhawan,
New Delhi.
2. Shri G.S. Panth
The Executive Engineer
Ghaziabad Central Division
Hindon Airport, Ghaziabad.

-Respondents

(By Advocate: Shri D.S. Mahendru)

ORDER (Oral)

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

Applicant is aggrieved that respondents have not regularised his services although he has been working with the respondents since June 1994 as Motor Lorry Driver (MLD) on hand receipt basis. He has alleged that services of persons junior to him have been regularised.

2. Applicant's earlier OA-197/2002 was disposed of by order dated 23.1.2002 (Annexure A-13) with the following observations/directions to the respondents:-

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"Having regard to the averments made in the OA, in our considered view, the interest of justice would be duly met, if the respondents are directed at this stage itself, to consider applicant's representation dated 26.12.2001 alongwith this OA as a supplementary representation in the light of the judgments cited by the applicant for regularisation of his services. In the meanwhile the respondents are restrained from dispensing with the services of the applicant and from dispossessing him from Government accommodation allotted to him till decision on his representation. OA is disposed of in the above terms".


3. Applicant's Contempt Petition No.257/2002 was disposed of on 17.2.2003 on the assurance of the respondents that applicant's services will be continued till closure of the project and in case any casual worker engaged in the border fencing project as junior to the applicant is regularised, applicant's services shall also be regularised.

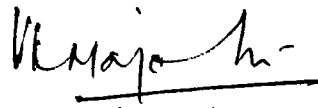
4. Learned counsel of respondents stated that the persons mentioned by the applicant whose services have been regularised vide orders dated 8.8.96 and 17.4.97 were senior to the applicant. He further stated that the services of no : junior to the applicant have been regularised. Learned counsel assured that services of the applicant will also be regularised as per his seniority.

5. While applicant has not been able to assert his seniority, on being specifically asked, respondents have not been able to produce any seniority list of persons such as the applicant. In this backdrop, the present OA is disposed of with a

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direction to the respondents that they shall prepare a seniority list of MLDs working in hand receipt basis within a period of six months from now and regularise the services of the applicant and similarly situated persons as per their seniority. Ordered accordingly.


(Shanker Raju)
Member (J)


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

cc.

13.2.04