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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2807/2003

New Delhi, this the 21st day of November, 2003

Hon'ble Sh. Sarweshwar Jha, Member (A)

1. Sh. Prem Nath
S/o Sh. Binda Deen
Badli Worker, Delhi Milk Scheme.
2. Sh. Suresh, S/o Sh. Ganesh
Badli Worker, Delhi Milk Scheme.
3. Sh. Pramod Kumar
S/o Sh. Jagdish Shah
Badli Worker, Delhi Milk Scheme.
4. Sh. Ajay Kumar
S/o Sh. Ganesh Ram
Badli Worker, Delhi Milk Scheme.
New Delhi - 110 008.

...Applicants

(By Advocate Sh. R.S.Rawat)

V E R S U S

1. Union of India through
The Secretary
Ministry of Agriculture
(Department of A.H. and Dairying)
Krishi Bhawan, New Delhi.
2. The General Manager
Delhi Milk Scheme
West Patel Nagar
New Delhi - 110 008.

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard the learned counsel for the applicants who has prayed for directions being given to the respondents to comply with the order dated 20-11-2001 in OA 1197/2001 and also for transferring the applicants (Badli Workers) to the regular posts of class IV Mates as governed by the Fundamental and Supplementary Rules right from the 1st day of the month following 12 months in which the applicants completed 240 days including weekly offs and holidays. The applicants have also prayed for arrears of their

wages being paid to them from the date their services are regularised together with other benefits associated with the said regularisation.

2. It is observed that the respondents have issued memorandum (Annexure A-1 to A-4) to the four applicants conveying to them that they have not completed 240 days of service which is a qualifying period for becoming eligible for regularisation in Delhi Milk Scheme (DMS) against a regular post. While so conveying, they have also said that the weekly offs and holidays have not been included in the number of days during which they are reported to have served the respondents. It is also observed that benefit of three national holidays in a calender year has also not been allowed in the case of three applicants, allowing the same only in the case of one applicant, namely, Sh. Ajay Kumar.

3. It is further observed that the applicant was one of the applicants in OA 1197/2001 in which case, the respondents had been directed by the Tribunal to transfer the services of the applicants to the regular establishments as Mates wholly in terms of the standing orders and to grant them all the consequential benefits in accordance with the said orders and the applicable instructions. The order had also further indicated that the applicants after having been regularised will find place in the seniority list prepared according to the rules on the subject. On the question of whether the weekly offs are to be counted for including in the number of days which the casual labourers have put in the service of the respondents. The learned counsel for the applicants has drawn my attention to the decision of the Tribunal in OA 1155/2000 together with OA 1396/2000 as well as OA 1910/2000, in which a view had

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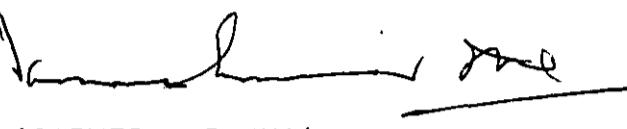
been taken by the Tribunal that the number of weekly offs and three national holidays shall also be added to the number of actual working days of the applicants if not already counted and, out of this, workers who are found to have completed 240 days, then in accordance with the provisions of para 4 (iii) of the standing orders, the said badli workers shall be transferred to the regular establishment.

4. It is thus observed that the respondents were required to include the number of week days as also the national holidays in the number of days actually put in by the applicants in the service of the respondents which the respondents did not appear to have done in the present case. That being the case. I am of the considered opinion that the right course at this stage would be to refer the matter to the respondents with directions to reconsider the matter with regard to the applicants with reference to the decisions of the Tribunal as referred to hereinabove and to dispose of the same by issuing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. In order to facilitate a ready reference to the decisions of this Tribunal as referred to by the applicant and also to have the matter considered by the respondents expeditiously, it is also directed that a copy of this OA may be made available by the applicants to the respondents within two weeks from now and the respondents shall treat this OA as a representation of the applicants and shall dispose it

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of in the manner and within the time as has been indicated above i.e. within two months of the receipt of the present order.

5. Accordingly, the OA stands disposed of in terms of the above directions.



(SARWESHWAR JHA)
MEMBER (A)

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