

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.3146 OF 2003

New Delhi, this the 31th day of December, 2003

~~HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN~~
~~HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER~~

Shri Dinesh Kumar Gupta
S/o Shri Ghanshyam Dass Gupta
R/o H.No.18, Burari Nathupura Road,
Amrit Vihar Colony,
Delhi.

....Applicant

(By Advocate : Shri B.D. Sharma)

Versus

Union of India—

1. — Ministry of Urban Development
through its Secretary,
Nirman Bhawan, New Delhi (Proforma Party)

2. — Deputy Director (EC-10)
D.G.W. Office, Nirman Bhawan,
New Delhi.

3. — Superintending Engineer (Electrical),
Co-ordination Division,
C.P.W.D.,
Room No.40-A, Fourth Floor,
Inderprastha Bhawan, New Delhi.

.....Respondents

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL:-

The applicant was engaged as Assistant Pump Operator on 5.10.1982. He has continued to work as Assistant Pump Operator till the year 1993. He filed OA 1117/2001, which was disposed of by this Tribunal on 31.12.2002 whereby a direction was given to the respondents to consider the claim of the applicant as to if he can be awarded the benefit of the decision of the Supreme Court rendered in the case titled C.P.W.D. Karamchari Union Vs. Union of India and another in CWP No.1324/1990 decided on 6.5.1991. In pursuance of the directions of this Tribunal, the Superintending

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Engineer (E) has considered the claim of the applicant and rejected the same with the following orders:-

"The C.A.T., Principal Bench, New Delhi vide its order dated 06/01/03 in above O.A. has directed as under:-

"That respondents would consider as to if the applicant is to be awarded the benefit of the decision of the Supreme Court in cases similarly placed."

In compliance of the Hon'ble C.A.T.'s judgement dated 06/01/03 in above O.A., the services of Sh. Dinesh Kumar Gupta cannot be considered for regularisation for the post of Assistant Pump Operator as his name is neither figured in the list of 91 Muster Roll workers nor he fulfilled the qualification for the post of Assistant Pump Operator in 1993. Hence the applicant cannot be awarded the benefit of the decision of the Supreme Court."

2. Learned counsel for the applicant contends that similarly situated persons have been given the benefits of regularisation by the Supreme Court and, therefore, the impugned order now passed deserves to be quashed and the applicant is entitled to regularisation.

3. The order passed by the Supreme Court in this regard reads:-

"The 91 Petitioners whose names are given in Annexure 1 to the Writ Petition, are directed to be regularised within a period of three months subject to their eligibility. The regularisation should be according to their seniority."

4. Perusal of the above order clearly shows that the said benefit had been granted by the Supreme Court

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only to 91 persons and not to any other person. The order does not indicate that all persons similarly situated have to be accorded the said benefit. Therefore, the same is confined to those 91 persons. So far as the applicant is concerned, he does not fulfil the qualification for the post of Assistant Pump Operator in the year 1993. Therefore, he could not be regularised and resultantly, the impugned order requires no interference.

5. For these reasons, the Original Application is dismissed in limine.



(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER



(V.S. AGGARWAL)
CHAIRMAN

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