

No.17

MA-451/2004  
OA-631/2003

08.11.2005

Present : Applicant in person.  
Sh. B.S. Jain, counsel for respondents.

While disposing of OA No. 631/2003 wherein the applicant had sought regularization as Motor Lorry Driver, the Tribunal vide its order dated 14.11.2003 issued directions, taking resort to regularization of one Shri Rawat after lifting of ban, to consider the regularization of the applicant in the post of MLD with effect from the date when similarly placed persons were regularized. In pursuance of the said directions, the respondents, by an order dated 26.9.2005 regularized the applicant with effect from 22.9.2005.

Applicant, who appeared in person, by referring to seniority list of concerned circles stated that their seniority is maintained under Northern Region and neither Circle-wise nor Office-wise.

In the above backdrop, it is stated that as one Sh. Rawat has been regularized in 2001, applicant be also regularized from 2001 with all consequential benefits.

Learned counsel of the respondents stated that in the light of Writ Petition(S) Civil No.(S) 1324-90 in **C.P.W.D. Karamchari Union Vs. Union of India** decided on 6.5.1991, the Apex Court has held that regularization should be according to seniority.

By referring to the above, it is stated that where two persons are employed and regularized as M.L.Ds, their seniority is being maintained Circle-wise. As such, the applicant has been rightly accorded regularization from 22.09.2005.

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On careful consideration of the rival contentions and perusal of the order passed by the Tribunal reveals that after taking into consideration the name of one Sh. Rawat, who had been regularized in 2001, directions were issued to the respondents to regularize the applicant from the dates similar circumstanced persons were regularized with all consequential benefits. No doubt, though the directions were given to the effect that what has been done in the case of Sh. Rawat should also mutatis mutandis be extended to the applicant by according regularization from the date when Sh. Rawat was accorded regularization keeping in light the seniority Region-wise, this MA is disposed of with a direction to the respondents to reconsider grant of regularization to the applicant from the date Sh. Rawat had been accorded with all consequential benefits. This shall be done by passing a detailed and speaking order within a period of two months from the date of receipt of a copy of this order.

  
(Shanker Raju)  
Member(J)

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