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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment Dated: 28th November, 2016

+ W.P.(C) 15168/2006

DIRECTOR GENERAL OF WORKS & ORS. Petitioners

Through Ms. Abha Malhotra, Advocate for the
petitioner along with Mr. Deepak
Ahuja, Office Superintendent.

versus

HARVIR SINGH & ANR Respondents

Through Mr. Deepak Khadaria, Advocate for
respondent no.1.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

G.S.SISTANI, J (ORAL)

1. Challenge in this writ petition is to the order dated 01.12.2005 passed by the Central Administrative Tribunal (hereinafter referred to for short as 'the Tribunal'), by which the OA filed by the respondent has been allowed.
2. The pleadings are complete in this matter. Rule DB was issued on 08.07.2008.
3. The necessary facts, which are required to be noticed for disposal of this writ petition, are that respondent joined the CPWD as a casual worker on muster roll basis on the post of Assistant Pump Operator on 08.11.1983. After almost 10 years, on 01.09.1993 he was granted a temporary status. Meanwhile, on 31.01.1988, an Arbitration Award was rendered deciding

disputes between the Management of the CPWD and its employees regarding re-classification/re-categorization of various categories of employees. Also, by an order dated 06.05.1991, the Supreme Court of India in Writ Petition No.1324/1990 titled '*CPWD Karamchhari Union v. Union of India*' directed re-categorization of 91 persons, who were part of the said writ petition.

4. It is also the case of the respondent before the Tribunal that the Award was implemented by the CPWD in the year 1997. The respondent approached the Tribunal by filing an OA.606/2005 with a prayer that since he had been continuously working without any break as casual worker on muster roll basis on the post of Assistant Pump Operator for more than 21 years, he was entitled to be regularized. This OA was contested by the petitioners herein. However, the Tribunal by an order dated 01.12.2005 disposed of the OA with a direction that the applicant (respondent) herein should clear the trade test which is held every year and in case he qualifies the same, his prayer for regularization would be considered and would relate back to his initial appointment along with all consequential benefits as accorded to the similarly circumstanced persons. Aggrieved by the aforesaid directions, the present petition has been instituted.
5. We may note that while issuing notice in this matter on 27.09.2006, the operation of the impugned order was stayed. This interim order was then modified when, on 30.07.2007, this Court directed that the respondent be given an opportunity to take the trade test as and when it is held. The respondent thereafter appeared in the trade test. His result was brought to Court in a sealed cover which was opened and he was found to be successful. On 08.07.2008 while issuing Rule DB, in CM.No.12103/2006 the following order was passed:

“CM.No.12103/2006

During the pendency of the writ petition, the Respondent has passed the trade test sometime in December, 2007.

Accordingly we modify the order dated 27th September, 2006 and direct the Respondent be regularized from the date from which he had passed the trade test.

Of course, this is without prejudice to the claim of the Respondent that he is entitled to be regularized from the date of his initial appointment, which will be determined when the writ petition is decided.

The application stands disposed of.
Dasti.”

6. Since by the order dated 08.07.2008 it was directed that respondent no.1 be regularized, this order of the Division Bench was assailed and a Special Leave to Appeal was filed before the Supreme Court of India which was dismissed on 09.07.2009. In effect, the only point which required determination is the date from which the respondent is be regularized.
7. Mr. Khadaria, learned counsel for the respondent has drawn the attention of the Court to the Seniority List of Operators. He submits that identically placed persons, whose name stand at Serial Number 638, 639, 650, 661, 664, 697, 702, 708 and others, who also belonged to the General Category, stand regularized since 07.05.1997. The learned counsel for the petitioners, on instructions, has not been able to dispute this submission of the learned counsel for the respondent.
8. Resultantly, we find no merit in the writ petition and the same is accordingly dismissed.
9. The petitioners will comply with the orders passed by the Tribunal

within four weeks from the receipt of this order.

CM.APPL 33208/2016(direction)

10. The application stands disposed of in view of the order passed in the present writ petition.

G.S.SISTANI, J

NOVEMBER 28, 2016
pst

VINOD GOEL, J

