



2025:DHC:11670-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 20.12.2025***+ W.P.(C) 2629/2006
PREM KUMAR &ORS.

.....Petitioners

Through: Mr.Yash Sharma, Adv. for
petitioner no.1.
Mr.Rahat Bansal, Mr.Harsh
Anand, Mr.Vashu Chaudhary,
Adv. for petitioner nos.2 to 4.

versus

UOI & ORS.

.....Respondents

Through: Mr. Bhagwan Swarup Shukla,
CGSC with Mr.Ashutosh
Pathak, Adv.**CORAM:**
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioners, challenging the Order dated 05.09.2005 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.409/2005, titled ***Prem Kumar & Ors. v. Union of India & Ors.***, whereby the learned Tribunal dismissed the said O.A. filed by the petitioners herein, as well as the Order dated 18.10.2005 passed in R.A. No.208/2005, whereby the Review Application filed by the petitioners seeking review of the Order dated 05.09.2005 was also dismissed.



BRIEF FACTS:

2. The petitioners had filed the above O.A. before the learned Tribunal, *inter alia*, contending therein that pursuant to a requisition sent by the respondents to the Employment Exchange in August 2000 seeking the services of Group-D Employees, the petitioner no.1 was engaged as a casual labourer against a Group-D post on 11.09.2000; the petitioner no.4 was engaged on 03.10.2000; the petitioner no.2 on 06.10.2000; and the petitioner no.3 on 20.06.2001. The petitioners continued to render their services as Group-D employees and completed more than 240 days of service in each year for a period exceeding two years. It was further submitted that since the petitioners were persistently pressing for regularization and enhancement of remuneration, the respondents, by way of a Memorandum dated 31.03.2004, decided to change the status of the petitioners from casual labourers to contractor employees. Aggrieved thereby, the petitioners filed the O.A. No.860/2004 before the learned Tribunal.

3. The said O.A. was disposed of by the learned Tribunal *vide* its Order dated 27.05.2004, directing as under:

“8. In consideration of the facts and circumstances of the case and also the submissions made by the learned counsel for the parties, I partly allow this OA with a direction to the respondents that they verify the nature of employment and service which has been rendered by the applicants since their initiate engagement and whether they had fulfilled the their conditions as laid down in the OM of the Department Personnel and Training as referred to by the applicant and whether they could be given the benefit of regularisation of their services in terms of the



said provisions before they were employed afresh as contract labourers through contractor. If on verification, it is found that they fulfilled the conditions as laid down in the OM of the Department of Personnel and Training as referred to, they may consider giving them the benefit of the scheme. They are also directed to dispose of the matter by issuing a reasoned and speaking order within three months from the date of receipt of this order. No order as to costs.

4. In support of their claim for regularization of service, the petitioners placed reliance on the Office Memorandums dated 26.10.1984 and 07.06.1988 issued by the Department of Personnel and Administrative Reform and the Department of Personnel and Training (DoP&T), respectively. However, the respondents, by an Order dated 08.05.2005, rejected the claim of the petitioners for regularization, *inter alia*, observing that the petitioners had been engaged for loading, unloading, and transportation of documents; transportation of stationery and consumables; and cleaning and maintenance of service vehicles, etc., which activities are ordinarily not assigned to Group-D employees. It was further stated that for the work for which the petitioners had been engaged, no regular post could be created.

5. Aggrieved by the aforesaid order, the petitioners filed the O.A. No.409/2005, which, as stated hereinabove, was dismissed by the learned Tribunal.

6. In the impugned order, the learned Tribunal observed that the Office Memorandums dated 26.10.1984 and 07.06.1988 are to be read together with the Office Memorandum dated 01.09.1993 issued



by the DoP&T, and that the same do not create any vested right to seek regularization merely because a person has completed 240/206 days of service in two consecutive years. The learned Tribunal further observed that if eligible casual workers could not be adjusted against regular posts and their future retention was not considered necessary, they could be discharged from service.

7. Aggrieved by the aforesaid observations and findings, the petitioners have filed the present petition.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS:

8. The learned counsel for the petitioners, once again placing reliance on the Office Memorandums dated 20.10.1984 and 07.06.1988, submits that since the petitioners were engaged as casual workers and had performed their duties for at least 240 days as daily wage workers for a minimum period of two years, they were entitled to be considered for regular employment against Group-D posts. It is further emphasised that the petitioners were recruited through the Employment Exchange. The learned counsel also submits that the work taken from the petitioners was perennial in nature, thereby entitling them to regularization.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENTS:

9. The above plea of the petitioners was opposed by the learned counsel for the respondents, who submits that the Order dated 08.02.2005 passed by the respondents clearly records that for the work



being performed by the petitioners, no regular post in the establishment could be created. It was further recorded in the said order that the Directorate of Standardization, where the petitioners were employed, does not have a cadre of its own and that no recruitment is undertaken by the Directorate; rather, the manpower required for the work is provided by the various feeder organizations on a deputation/tenure basis.

ANALYSIS AND FINDINGS:

10. We have considered the submissions made by the learned counsels for the parties.

11. In the present case, although the petitioners were engaged as daily wage casual workers and had performed their duties for more than 240 days for a period of two consecutive years, the fact remains that the Directorate of Standardisation, where they were working, does not have a cadre of its own. There were no regular posts against which the petitioners could be regularised. The respondents had also contended that the work assigned to the petitioners was not perennial in nature. In fact, on the basis of this submission, this Court, *vide* order dated 28.09.2006, had vacated the *interim* order passed in favour of the petitioners, with a direction that in case the occasion for such work arises in the future, the petitioners, as well as other eligible persons, may be considered by the respondents.

12. In view of the aforesaid facts and circumstances, we do not find this to be a fit case for interference with the Impugned Order passed by the learned Tribunal in the exercise of our powers under Article



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226 of the Constitution of India. However, we reiterate our direction contained in the Order dated 28.09.2006.

13. The petition is, accordingly, disposed of.

14. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

DECEMBER 20, 2025/Arya/DG