

Union of India and ors. Vs. Gopal Dass

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Court : Delhi

Decided On : Apr-29-2013

Judge : V. Kameswar Rao

Appellant : Union of India and ors.

Respondent : Gopal Dass

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of decision: April 29, 2013 + W.P.(C) 7460/2012 UNION OF INDIA & ORS. Petitioners Represented by: Dr. Ashwani Bhardwaj, Advocate versus GOPAL DASS Respondent Represented by: Mr. R.K. Shukla, Advocate CORAM: HON'BLE MR. JUSTICE PRADEEP NANDRAJOG HON'BLE MR. JUSTICE V.KAMESWAR RAO V.KAMESWAR RAO, J.

(Oral) 1. The challenge in this writ petition is to the order dated December 05, 2011 passed by the Central Administrative Tribunal, Principal Bench in OA No.1301/2011 whereby the Tribunal disposed of the OA directing the petitioners herein to examine and determine the reasons for non-regularization of the respondent and for that purpose if the recruitment rules are needed to be framed the same be expedited in a time-frame. Further, if on account any ban, the petitioners shall consider taking up of the case of the respondent and other similarly placed casual labourers, with temporary status working with them for regularization by having one time relaxation on the lines on which such relaxation has earlier been granted in the case of similarly placed persons. W P (C)

2. Union of India has filed the aforesaid writ petition. The respondent has not challenged the impugned order. The claim of the respondent before the Tribunal, inter alia, was that he be considered for regularization in terms of the rules and regulations and the memorandum dated December 11, 2009 be also implemented for regularization as Farash. The Tribunal did not grant those reliefs to the respondent. It is noted from the record that the OM dated December 11, 2009 was issued by the DOP&T on a reference made by the Ministry of Home Affairs. The Tribunal has held that the said OM is a case specific relating to the Ministry of Home Affairs and has no general application. We agree with such an observation of the Tribunal. In so far as the plea of the respondent for regularization of his services as Farash is concerned the Tribunal notes that Farash and Safaiwala has been merged as multi-tasking staff and it has been decided to ban the fresh recruitment and as such no regularization has been made.

3. It is noted that the respondent was granted temporary status in terms of the Temporary Status Scheme issued by the DOPT on 10.09.1993. Certain benefits flow to a casual labourer who has been granted temporary status. The scheme also contemplates regularization subject to vacancies. It is surprising that despite being granted temporary status and even after lapse of so many years, the respondent has not been regularized. It is on account of these aspects the Tribunal had made observation in para 5 the impugned order which has been reflected above. We do not see anything wrong with the observations made by the Tribunal in para 5. The respondent is W P (C) 7460/2012 2 of 3 entitled to regularization in terms of the scheme dated September 10, 1993. Regrettably under the garb of ban on the recruitment the benefit of September 10, 1993 has been denied to the respondent, which we feel is arbitrary. We do not want to say anything further on the same. Suffice would it be to say that we do not find anything wrong in the directions given by the Tribunal in para 5 of the impugned order.

4. The writ petition is dismissed.

5. No costs. (V.KAMESWAR RAO) JUDGE (PRADEEP NANDRAJOG) JUDGE
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