

Ram Kishan and Others

Vs

Union of India and Others

Writ Petition (Civil) No. 853 of 1990 with W.P. (Civil) Nos. 1060, 1070 of 1990 and 80 of 1991

(CJI Ranganath Misra, Kuldeep Singh, M. H. Kania JJ)

21.02.1991

ORDER

1. These petitions are under Article 32 of the Constitution of India on behalf of a set of engineers classified as Assistant Engineers and Junior Engineers working under the Ghaziabad Development Authority (GDA for short) on basis of daily wages. It is stated that the Assistant Engineers are paid at the rate of Rs 60 per day while the Junior Engineers are being paid Rs 40 per day and the conditions of employment are such that on holidays they are not paid and if they are absent on any day they lose the wages. It is pointed out that some of the petitioners have been in employment on such terms for three to four years and all their attempts to have regularisation of their services have borne no fruit.

2. Mr O.P. Rana, counsel appearing for GDA took some time to take instructions when the matter was last heard and concrete suggestions have been made available by both the sides today. After hearing counsel for the parties we dispose of these four writ petitions by making the following directions :

(1) Both categories of petitioners shall now be taken as temporary employees of GDA from March 1, 1991, with liberty to the Authority to screen the petitioners and others similarly situated who have not come before the court but are working under the Authority in regard to their qualifications as also suitability.

(2) The Assistant Engineers shall be paid fixed pay of Rs 2750 and the Junior Engineers Rs 2500 per month.

(3) The appointments on temporary basis shall be against the particular projects undertaken by GDA subject to the condition of employment in any other project if available, on completion of one project. These Engineers have to be adjusted against available work in other projects so that their services may be continued.

(4) In the event of any particular Engineer working for more than one year in one or more projects in terms of the above term, in the case of an Assistant Engineers, there would be an increment of Rs 50 and a similar increment of Rs 40 for a Junior Engineer per annum.

(5) Mr Rana has been fair enough to indicate that apart from the fixed pay subject to annual increment as indicated above, these petitioners shall be entitled to the normal perks and other allowances excepting DA admissible to similar category of officers

employed under GDA.

3. We are told under Uttar Pradesh Rules recruitment on regular basis is to be through Public Service Commission. We direct the Authority to take steps through the State of Uttar Pradesh to obtain regularisation of the petitioners as far as possible preferably within nine months from now so that by the end of the year the process of regularisation may, as far as practicable be completed.

4. The State of Uttar Pradesh is represented before us and counsel appearing for it has been put to notice of the order. At the time of regularisation the period spent on duty shall be adjusted against the age prescription and the Public Service Commission would take into account the past service to consider if any weightage should be given and performance under the Authority may be taken into account for such purpose.

5. Mr Rana has assured us and we believe it shall be worked out in terms of our order that vacancies arising hereafter shall be given to the petitioners already who are in employment. Steps for regularisation may be taken by the authorities within three months from now. The Vice Chairman of the Authority is authorised to comply with our order and make such directions as may be necessary to implement it. At the request of Mr Rana the process which is contemplated by our order may be completed from May 1, 1991 giving benefit of the order from March 1, 1991.

6. These writ petitions are disposed of accordingly. No costs.

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