

Delhi High Court

Mahender Singh And Ors., Naresh ... vs M.C.D. on 21 January, 2003

Equivalent citations: 2003 IIIAD Delhi 454, 109 (2004) DLT 606, 2003 (68) DRJ 605, 2004 (2) SLJ 509 Delhi

Author: S Mahajan

Bench: S Mahajan

JUDGMENT S.K. Mahajan, J.

1. RULE.

2. With the consent of the parties, the matter has been heard and disposed of by this order.

3. Since common questions of law and fact are involved in these writ petitions, they are being disposed of by this common order.

4. Petitioners who were working as Beldars on daily wages since about 1985 in the Anti-Malaria department of the Municipal Corporation of Delhi have filed these petitions for issue of an appropriate writ, order or direction directing the respondents to prepare a rational and logical scheme to give immediate and regular employment to them in Group 'D' posts. In a writ petition being C.W.P. No.2698/1986, an order came to be passed on 17.12.1987 whereby the following directions were given by the Court to the respondent for regularising the services of the persons working on daily wages in the Anti-Malaria Department of the Municipal Corporation of Delhi:

1. The respondent shall prepare a joint seniority list of all these categories of workers/beldars. Their seniority would be determined on the basis of the dates of their initial appointment. Their length of service would be counted in the manner that if the worker ever has been employed for four months or five months in a year and he has worked every year for the said period without break. If the initial date of appointment of some workers is the same, then their inter-se seniority would be according to the age.

2. The jobs being performed by some workers, say for a period of ten or eleven months in a year, would be converted into the jobs for the whole year. Respondent shall in this manner create the regular jobs for the whole year keeping in view the nature of the work involved.

3. The workers, who are presently being employed for four or five months per year, be accommodated for the whole year if they are willing to perform the jobs of the nature mentioned in items 1, 3 and 7 in annexure 'A'. The respondent shall have options from the workers in this connection and in case some workers, although senior but are not willing to be so accommodated, then they would be employed for four or five months per year, as before.

4. In case after following the above directions, the respondent finds that services of some workers are to be terminated keeping in view the fact that no work or job is available for them, then principle of last come first to go' shall be followed.

5. All the workers so restrained in accordance with the above directions shall be paid pay and allowances as are available to the regular class IV employees of the respondent and the payment shall be made within one months to all such workers positively. The workers, who were earlier being employed for the whole years shall be paid the pay and allowances mentioned above from the dates of their filing the present writ petitions.

6. The respondent shall carry out the above directions and give report on January 4, 1988.

5. In terms of the directions given by the Court, a joint seniority list of workers/beldars working in anit-Malaria department of the Municipal Corporation of Delhi was prepared and they are being regularised by the Department on the basis of their seniority. I am informed that the respondents have already regularised daily wagers up to number 2076 in the seniority list which include petitioner No.1 in C.W.P. No.6136/2002. Since the respondents are regularising the services of the daily wagers on the basis of the seniority list prepared pursuant to the directions given in C.W.P. No.2698/1996, in my opinion, the petitioners are not entitled to any further direction to be given to the respondent in this writ petition except to the extent that the respondents will continue to regularise the services of all eligible daily wagers in accordance with the seniority list prepared by the respondents. With these observations, the writ petition stands disposed of.