
(2003) 01 DEL CK 0054

In the Delhi High Court

Case No : Civil Writ No. 8361 of 2002 and C.M. No's. 10481-82 of 2002

Babloo Sharma

APPELLANT

Vs

M.C.D. and Others

RESPONDENT

Date of Decision : 02-01-2003

Acts Referred:

Citation : (2004) 109 DLT 746 : (2003) 70 DRJ 336

Hon'ble Judges : S.K. Mahajan, J

Bench : Single Bench

Advocate : V.K. Singh, for the Appellant; Rajan Sabharwal, for the Respondent

Final Decision : Allowed

Judgement

S.K. Mahajan, J.—RULE.

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

3. The petitioner was appointed for the first time to work as Chowkidar as a daily wager on 20.10.1995. He had been working intermittently till 1999 as a daily wager sometimes for a period of 26 days and sometimes for 22 days, etc. In the year 1999, the petitioner worked for 174 days as a daily wager in different schools run by the respondents. The petitioner is allegedly working continuously as a daily wager since the year 2000 at the post of Chowkidar in different schools assigned to him by the respondent. It is alleged that while the petitioner worked for 362 days in the year 2000, he worked for 359 days in the year 2001 and he had worked for more than 300 days in the year 2002 till the filing of the writ petition. The petitioner has, Therefore, filed this writ petition for issue of a writ of mandamus or any other appropriate writ, order or direction for regularization of his services to the post of Chowkidar. The petitioner has relied upon the judgment of this Court in C.W.P. No.3654/1997 decided on 15th March, 2000 as also the judgment of this Court in C.W.P. No.5724/2000 decided on 5th April, 2002. While deciding the writ petition being C.W.P. No.3654/1997 it was

observed by this Court as under: -

"It is an admitted position that M.C.D. has framed a scheme for regularization of the daily rated workmen and such daily rated workmen are being regularized in terms of such scheme as per the seniority list maintained for such daily rated workers, on the occurrence of the vacancies. These workers are, Therefore, not entitled to claim the regularization with effect from initial dates of their engagement on `daily wage" basis."

4. Though the counter affidavit to the writ petition has not been filed, however, learned counsel for the respondent submits that the petitioners can claim regularization only in accordance with the policy of the respondent-Corporation.

5. In view of the fact that the respondent has conceded that the petitioner is entitled to be regularized in accordance with the policy of the Corporation, learned counsel for the petitioner submits that he will have no objection in case a direction is issued to the respondent to consider the case of the petitioner in terms of the said policy.

6. I, accordingly, dispose of this petition with a direction to the respondents to consider the case of the petitioner for regularization in accordance with the policy framed by the M.C.D. and till such time the case of the petitioner is considered, the petitioner will continue to be engaged on the terms and conditions on which he is presently working with the Corporation. This order will not come in the way of the respondent to discontinue the services of the petitioner if there is no work available for him as a daily wager. With these directions, the petition has been disposed of with no order as to costs.