

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A./100/4706/2014

New Delhi, this the 24th day of January, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Sunil Devi W/o Shri Satya Prakash, Age 52
R/o H.No.296, Bangla Chowk, Nulesarai
New Delhi-68
2. Sudha Singh W/o Shri Vinod Singh, aged about 40 yrs.
R/o J-II, B-221/7, Sangam Vihar, New Delhi-62
3. Babita W/o Shri Suresh Kumar Tiwari, aged 49 yrs.
R/o 13/339, DDA Flats, Madangiri, Dr. Ambedkar Nagar,
New Delhi-110062
4. Sita Rani W/o Shri Ramesh Chandra, aged 50 yrs.
R/o T-90, Ward No. 6, Islaam Colony Mehrauli
New Delhi
5. Anita Kaushik W/o Shri Rakesh Kaushik, aged 48 yrs.
R/o D-38, East Uttam Nagar,
New Delhi
6. Archana Kumari W/o Shri Dhyan Chand, aged 39 yrs.
R/o B-727A, Sangam Vihar, New Delhi
7. Rajwanti W/o Shri Balwan Singh, aged 42 yrs.
R/o WT 13A, Baljeet Nagar, Delhi
8. Sunita W/o Shri Vinod Kumar, aged 45 yrs.
R/o 209/9, DDA Flat Madangri, New Delhi
9. Kusumlata W/o Shri Santosh Kumar, aged 50 yrs.
R/o 10/70, Dakshinpuri Extension
10. Neena W/o Shri Heta Ram, aged 45 yrs.
R/o N-185, Raghubir Nagar, Delhi-27
11. Indu W/o Shri Ashok Kumar, aged 48 yrs.
R/o JG UII/176, Vikas Puri
12. Poonam Awasti W/o MR Awasti, aged 47 yrs.
R/o K-159, Kangra Niketan



13. Urmila Kulshrestha W/o Manoj Kumar, aged 41 yrs.
R/o H.17/24A, Sangam Vihar, New Delhi
14. Susheel Chawla W/o Shri Manoj Kumar Chawla, aged 45 yrs.
R/o EA-122/Ground Floor, Tagore Garden,
New Delhi
15. Parvati W/o Shri Vishnu Singh, aged 51 yrs.
R/o 5/180, IIIrd Floor, Subesh Nagar,
New Delhi-27
16. Rashmi Bhatnagar W/o Sh. Rajesh Chander Bhatnagar, aged 48
Yrs., R/o J-73 D, Ashok Vihar, Phase-I
Delhi-52
17. Shashi Sharma W/o Shri Purushotam, aged 48 yrs.
R/o B-1576, Shastri Nagar
18. Uma Bisht W/o Shri Manohar Singh Bisht, aged 46 yrs.
R/o D-33, Gali No.2, Laxmi Nagar, Delhi-92
19. Munesh Rani W/o Shri Gazender Singh, aged 46 yrs.
R/o A-316, Mandeval, Sagarpur,
Budda Marg
20. Sunita Jain W/o Shri Mukesh Kumar Jain, aged 48 yrs.
R/o X/1512, Gali No. 7, Raigher Colony,
Gandhi Nagar, Delhi-51
21. Kamlesh W/o Shri Lakhmi Chand, aged about 45 yrs.
R/o 13/367, Geeta Colony, Delhi-31
22. Talat Jahan W/o Shri Anjum Akhtar, aged about 48 yrs.
R/o H.No.518, Guru Ram Dass Nagar,
Gali No.4, Laxmi Nagar
23. Vijay Laxmi W/o Shri Raj Kamal, aged 49 yrs.
R/o H.No. 82, D-Block, Meethapur,
Delhi
24. Manju Jhamb W/o Shri Hukam Jhamb, aged 42 yrs.
R/o D/5, 495, Sangam Vihar
25. Krishna Sharma W/o Shri Sanjay Sharma, aged 46 yrs.
R/o A-86/3, Sourabh Vihar, Jaithpur
26. Nasrin Bano W/o Shri Mohd. Yusuf, Aged 49 yrs.
R/o B-46/3, Shain Bag Abdual Fazal
27. Nirmala Kumari W/o Shri Vinod Kumar, aged 39 yrs.
R/o 490, Devli, New Basti, Delhi
28. Parveen Sharma W/o Shri Mudit Sharma, aged 49 yrs.
R/o H.No.589, Gali No. 38D, Molarband Ext.,
Badarpur-44
29. Anita Bindal W/o Shri Satish Kumar Bindal, aged 47 yrs.
R/o B/51, Molarband, Badarpur-44



30. Kusum Bala W/o Shri Ram Ratan Singh, aged 46 yrs.
R/o 8-A, Pocket – 12, DDA Flats, Jasola,
New Delhi-25
31. Murti Devi D/o Shri Sheesh Ram, aged 43 yrs.
R/o H.No. 164, Humayunpur, Safdarjung Enclave
32. Saraswati Koley W/o Shri Subhash Kolay, aged 47 yrs.
R/o H-95, Lal Kuan, M.B. Road, Badarpur,
New Delhi-44
33. Bimla Devi D/o Shri Hoshiar Singh, aged 48 yrs.
R/o B-162, Himayun Puri, Safdarjung Enclave,
New Delhi
34. Pushpa Rani W/o Shri Vijender Singh, aged 49 yrs.
R/o H.No.106, 107, Wazirabad Village
35. Parveen Khan W/o Shri Waseem Khan, aged 46 yrs.
R/o H.No. 149, Basti Khaujamir Dard, Near Zakir
Hussain College, New Delhi
36. Bhagwati Rawat W/o Shri Prem Singh Rawat, aged 45 yrs.
R/o 1/143, Uttranchal Enclave, Kamalpur Burari,
Delhi-84
37. Babli Nagar W/o Shri Tej Pal, aged 46 yrs.
R/o 17/145, Gali No.5, Anand Parbat, Than Singh Nagar,
New Delhi-5
38. Seema Bisht W/o Shri Rajesh Singh Bisht, aged 45 yrs.
R/o Type III, G.B. Pant Poycitinic Staff Qutter No.9
39. Bimla Devi W/o Shri Rajender Tokas, aged about 49 yrs.
R/o B-162, Humayunpur Safdarjung Enclave,
New Delhi-29
40. Usha Devi W/o Shri S.N. Singh, aged 47 yrs.
R/o K-7 UGF, FLA No.1, Malviya Nagar, Krishna Mandir,
New Delhi-110017
41. Jaya Joshi W/o Shri DC Joshi, aged 47 yrs.
R/o F35/F2, Dilshad Colony
42. Kavita Tyagi W/o Shri Vijender Kumar Tyagi, aged 44 yrs.
R/o B-165, Ashok Nagar
43. Nirmala Devi W/o Shri Umesh Kumar Sharma, aged 45 yrs.
R/o E-93, Gali No.8, Ashok Nagar,
Shahdara, Delhi
44. Kusumlata W/o Shri Kishore Kumar, aged 42 yrs.
R/o E2/437, Nand Nagri, Delhi-93
45. Geeta Devi W/o Shri Ramesh Kumar, aged 44 yrs.
R/o D-64, Yadav Nagar, Samaypur Badli,
New Delhi

47. Anjana Gupta W/o Shri Santosh Kumar Gupta, aged 48 yrs.
R/o K-120/19-A, Ratia Marg, Sangam Vihar,
New Delhi Applicants

(All the applicants are working as Supervisors)

(Through Shri U. Srivastava, Advocate)

Versus



Govt. of NCTD through

1. The Chief Secretary,
Govt. of NCT of Delhi, Delhi Secretariat,
New Delhi
2. The Secretary
GNCT of Delhi,
Department of Women and Child Development
1-Canning Lane, KG Marg, New Delhi
3. The Deputy Director Admin.,
Department of Social Welfare, Govt. of NCT Delhi
GLNS Complex, Delhi Gate, New Delhi
4. The Chairman DSSSB
FC-18, Institutional Area, Karkardooma,
Delhi Respondents

(Through Shri H.D. Sharma, Advocate)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicants were appointed as Anganwadi Workers between 1982 and 2000. It is stated that in response to an advertisement issued in 2007 for appointment of Supervisor Grade-II on contractual basis, they applied and were also selected. The appointment offered was on contractual basis.

2. In the year 2009, when similar advertisement was issued, the applicants filed OA 1184/2009 and a Full Bench of this Tribunal held that one set of contractual Supervisor

Grade-II shall not be replaced by another set of similar nature.



3. On 12.12.2014, advertisement no.2/14 was issued by the DSSSB, proposing to fill various posts including the post of Supervisor Grade II by female candidates. This OA is filed challenging the advertisement dated 12.12.2014 in so far as it relates to Supervisor Grade-II.

4. The applicants contend that once they are already functioning in the posts, there was no basis for the respondents to take steps to fill up them on regular basis. They also contend that their services can be regularized duly taking into account, the fact that they are also qualified and working for a long time. Reliance is placed upon the judgment of the High Court of Delhi in W.P.(C) No.14160/2009, **S.K. Chaudhary & ors. Vs. Govt. of NCT Delhi & ors.**

5. Respondents filed counter affidavit opposing the OA. It is stated that the appointment of the applicants was on contractual basis and the impugned advertisement is for regular appointment. It is further stated that an employee who is working on contractual basis has no right to insist for being regularized without undergoing the process of selection. It is stated that the relief claimed in the OA is opposed to the judgment of the Hon'ble Supreme Court in

Secretary, State of Karnataka and others Vs. Umadevi and others, 2006 (4) SCC 1.

6. We heard Shri U. Srivastava, for the applicants and Shri H.D. Sharma, for the respondents.



7. The applicants were initially appointed as Anganwadi workers and thereafter they were appointed as Supervisor Grade-II on contractual basis in the year 2009. It is fairly well settled that one set of contractual employees cannot be replaced by another set of contractual employees. Such a right, in favour of the applicants was declared by the Full Bench in OA 1184/2009 (supra).

8. Had the impugned advertisement issued in the year 2014 been the one, for appointment of Supervisor Grade-II on contractual basis, there would not have been any difficulty in setting aside the same. It is not in dispute that the proposed appointment is on regular basis and procedure followed for that purpose is substantially different. Written test is conducted and the candidates are subjected to screening. The appointment on contractual basis cannot be equated to or compared with, that. In Umadevi's case (supra), the Hon'ble Supreme Court deprecated the practice of issuing directions for regularization of the employees appointed on contractual or daily wage basis. The public service would be seriously affected on account of such regularization. It hardly needs any mention that rigours of

proper selection process are not followed when appointments are made on contractual basis. It is only when an open advertisement is issued that the intending candidates would respond and a proper selection takes place.



9. It is no doubt true that in S.K. Chaudhary (supra), the Hon'ble High Court of Delhi issued directions to the government to consider the cases of the contractual employees working therein, for regularization, by subjecting them to the selection process, similar to the one undertaken in the open competition. The directions were mostly on the facts of the case and no general principle as such was laid.

10. Further, in OA 441/2013, **Mrs. Babita Vs. Government of NCT of Delhi and ors.**, we examined the very issue pertaining to Supervisors appointed on contractual basis. The OA was disposed of directing the respondents that as and when any steps for regular appointment to the post of Supervisor are taken, the case of the applicant therein for relaxation of age limit shall be considered, having regard to the facts of that case.

11. We dispose of this OA directing that whenever any steps for regular appointment, for the post of Supervisors are taken, it shall be open to the applicants to seek relaxation of age limits and the respondents shall, in turn,

take necessary steps in accordance with law. There shall be no order as to costs.



(A.K. Bishnoi)
Member (A)

/dkm/

(Justice L. Narasimha Reddy)
Chairman