

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3732/2014

New Delhi, this the 21st day of January, 2020

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



Naresh Yadav, 47 years,
S/o Shri Ram Yadav
R/o A-116, Jwalaheri
Paschim Vihar, New Delhi-110063. ...Applicant

(through Ms. S. Janani)

Versus

1. Union of India
Through the Secretary
Ministry of Youth Affairs & Sports
Shastri Bhawan, New Delhi.
2. Sports Authority of India
Jawahar Lal Nehru Stadium
Lodhi Road, New Delhi-110003.
3. Director General
Sports Authority of India
Jawahar Lal Nehru Stadium
Lodhi Road, New Delhi-110003.
4. Director (Personnel)
Sports Authority of India
Jawahar Lal Nehru Stadium
Lodhi Road, New Delhi-110003.

... Respondents

(through Sh. Ramesh Shukla for Ms. Geetanjali Sharma)

ORDER (ORAL)**Justice L. Narasimha Reddy, Chairman :-**

The applicant states that he was engaged on daily wage basis, by the respondent organization on 11.08.1989 and continued as such for decades together. It is stated that he filed OA No. 1047/2011 before this Tribunal, with a prayer to direct the respondents to regularize his service and that the OA has been disposed of on 22.02.2012, with a direction to the respondents to consider his case for regularization, in terms of the selection process mentioned therein.

2. Through an order dated 15.04.2013, the respondents regularized the service of the applicant as LDC. The regularization took place at a time when the WP(C) No. 6056/2012 filed by the respondents, against the order in OA No. 1047/2011 was pending and when the issue pertaining to retrospective regularization was raised, the Hon'ble High Court permitted the applicant to raise the same by filing an OA. Accordingly, the present OA is filed with a prayer to direct the respondents to regularize the service of the applicant with effect from the date of his initial appointment, with consequential benefits.



3. The applicant contends that he has been working continuously, and without any break from 1989 onwards and there was absolutely no justification for the respondents in not extending the benefit of regularization, from the date of initial appointment.



4. On behalf of respondents, counter affidavit and additional counter affidavit are filed. It is stated that the engagement of the applicant was on daily wages and as an extraordinary measure, the service of the applicant was regularized as LDC on 15.04.2013. It is stated that law does not provide for regularization of service to a daily wage employee, with effect from an earlier date.

5. We heard Ms. S. Janani, learned counsel for the applicant and Sh. Ramesh Shukla, appearing as proxy counsel for Ms. Geetanjali Sharma, learned counsel for the respondents.

6. The applicant was being engaged as a daily wage employee from 11.08.1989 onwards. It was not even a contractual employment. He approached this Tribunal by filing OA No. 1047/2011. Obviously, by taking note of the long period during which, the applicant rendered the service and a scheme which was prevalent in the organization, the OA was disposed of on

22.02.2012, directing the respondents to consider the case of the applicant, in terms thereof.

7. Fairly enough, the respondents passed the order dated 15.04.2013, even while the Writ Petition filed by them, challenging the order in the OA, was pending. The applicant now raises the plea of retrospective regularization. He is not able to place any specific provision of law or a binding precedent before us, in support of his claim. On the other hand, Hon'ble Supreme Court deprecated the practice of directions issued for regularization of temporary employees, in ***State of Karnataka & Ors. vs. Uma Devi***. It is, as an extraordinary measure, the applicant, who is not even a contractual worker, was regularized, on 15.04.2013, that too, in the post of LDC. There exist separate recruitment rules in the organization for appointment to the post of LDC. The applicant was subjected to a semblance of selection only in April, 2013 and he was accordingly, regularized. The extension of the benefit of regularization, from any date earlier to that, would amount to the appointment of the applicant against a cadre post, even before he was subjected to selection.

8. Reliance is placed upon the order dated 08.09.2016, through which the respondent organization has regularized the service of the adhoc employees appointed on compassionate



grounds, with effect from earlier dates. The appointments made on adhoc basis and compassionate grounds are substantially different from the engagement of an employee on daily wages. Such appointments, initially made, are against substantive vacancies and after selection process.



9. Reliance is also placed upon the order dated 25.09.2019 in CA No. 10064-10075/2010. That was a case in which the benefit of conferment of regular status on completion of 240 days under the Unfair Labour Practice Act, 1971, was dealt with. Further, that was the subject matter of adjudication by the Industrial Court and thereafter, the matter landed before the Hon'ble Supreme Court. The facts of the case are substantially different.

10. The applicant cannot compare himself with those, who are appointed on adhoc or compassionate grounds. We do not find any merit in the OA and accordingly, the same is dismissed. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/