

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO. 495/2001
15.6.2001

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Lalit Singh s/o Dhan Singh,
R/o 675, Gulabi Bagh,
Delhi - 110001.

.....Applicant

(By Shri Yogesh Sharma, Advocate)

VERSUS

1. Govt. of NCT through
The Director, Directorate of Social Welfare,
1, Canning Lane, K G Marg,
New Delhi
2. Deputy Director,
Directorate of Social Welfare,
1, Canning Lane, K G Marg,
New Delhi
3. The Principal Govt. Sr. Sec. School,
for Blind Boys, Departemnt of Social Welfare,
Government of NCT, Delhi
Sewa Kutir, Kingsway , Camp
Delhi.

.....Respondents

(By Shri Ajay Gupta, Advocate)

O R D E R

Challenge in this OA is directed against the non-regularisation of the applicant and rejection of his claim, on 13.6.2000.

2. S/Sh. Yogesh Sharma and Ajay Gupta, represented the applicant and the respondents respectively during the oral submissions.

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3. The applicant has been working since 1.11.87, in the office of the respondents. In terms of Recruitment Rules of 9.9.85, 50% of the Group 'D' posts in GNCT are to be filled by direct recruitment and the remaining from part time workers with total service of five years. The applicant who was duly registered with Employment Exchange had applied for regularisation in 1992, which was also duly recommended by his controlling officer. His case was recommended in 1997 and 1998 also. His representation made once again on 19.5.2000, has been replied, advising him to register with the Employment Exchange, inspite of his long and continuous service of 23 years of about 11 hours a day. He is working full time from 11.7.97. His case is squarely covered by the Tribunal's orders dated 30.6.2000 in OA 2722/1999, dated 1.7.97 in OA No. 1673/1996. Besides, his name has also been included in the seniority list prepared by the respondents from which a number of others have been regularised, leaving behind the applicant unless and until the Tribunal comes to his rescue, justice would continue to made him, argues Sh. Yogesh Sharma learned counsel for the applicant.

4. In the reply filed by the respondents, duly reiterated by their learned counsel, Sh. Ajay Gupta, the pleas made by the applicant are denied and it is indicated that the applicant's case was not covered for regularisation as code as the said post was to be filled in only by direct recruitment. In 1997, respondents had

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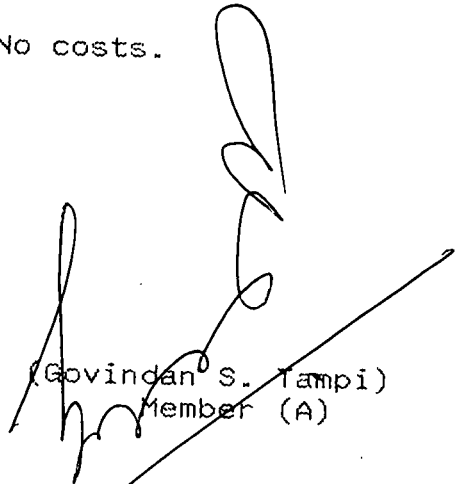
called for the particulars of part time employees for filling up the post of the code, but he did not fulfil the requirement. It is also averred that he can if he so wishes, compete with those being sponsored by the Emp. Exchange though no preference can be given. OA in the circumstances merits dismissal, states Sh. Gupta. He also relied upon the Tribunal's decision dated 12.9.2000 in OA No. 538/2001.

5. I have considered the matter. The applicant in this O.A. is seeking regularisation after 23 years of continuous service which has not been headed by the respondents who have advised him by the impugned letter dated 13.6.2000, to get himself registered with the Employment Exchange. The applicant is already registered with Emp. Exchange and his case had been duly recommended by his controlling officer - Principal of the School where he is working - both in 1992 and 97 but nothing has been done thereon. The respondents also have not been able to rebut the plea of the applicant that he had been working for nearly 10 hours a day, though he was being described as a part time worker. In the background of the facts brought out, I am convinced that the applicant's case is covered by the decision of the Tribunal dated 30.6.2000 in OA No. 2722/99, filed by Vidhya, duly endorsed by the High Court and relied upon Tribunal's decision dated 5.10.2001 in OA No. 400/2001 filed by Makan Devi. The Tribunal's decision in Shakuntala's case (OA No. 535/2001) decided on 12.9.2001 can be distinguished on facts. The applicant's case therefore deserves to be considered in the interests of justice.

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6. In the above view of the matter OA succeeds and is accordingly allowed. The respondents are directed to consider the case of regularisation of the applicant against the next vacancy in that quota, in accordance with law, as he has been working with them part time from 1987 and full time from 11.7.97. No costs.



(Govindan S. Tampi)
Member (A)

Patwal/