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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2722/1999

New Delhi this the 30th day of June, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

Smt. Vidhya W/O late Nathu Ram,
Working as Attendant
Home Science Laboratory,
Govt. Girls Sr. Sec. School,
B-Block, shalimar Bagh,
Delhi-110052. Applicant

(By Shri S.K.Gupta, Advocate)

--Versus--

1. Govt. of N.C.T. of Delhi
through Director,
Directorate of Education,
Old Secretariat, Delhi.
2. Principal,
Govt. Girls Sr. Sec. School,
B-Block, Shalimar Bagh,
Delhi-110052. Respondents

(By Shri Ashwani Bhardwaj for Shri Rajan Sharma,
Advocate)

O R D E R (ORAL)

By the present O.A. applicant seeks regularisation of her services with the Government Girls Senior Secondary School, respondent No.2 herein, run by the Directorate of Education, Government of National Capital Territory of Delhi, respondent No.1 herein. A further prayer is made that aforesaid respondents be restrained from disengaging her services.

2. Applicant, it is her case, is in the employment of respondents as an attendant in the home science laboratory of respondent No.2. Prior to her engagement she had enrolled herself with the employment exchange at Subzi Mandi on 10.10.1982. It is her further case that she had been duly sponsored

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by the employment exchange and was engaged as laboratory attendant w.e.f. 17.7.1989. Her initial salary was Rs.200 per month. She is presently receiving salary at the rate of Rs.500 per month. She has annexed at Annexure A-2 a certificate dated 6.2.1996 issued by the Principal of respondent No.2 school certifying that she has been working as laboratory attendant in home science laboratory since 17.7.1989 till date. The certificate further provides that her performance of work is satisfactory, and that she is working on daily wages and her salary is paid from P.T.A. at Rs.500 per month. According to applicant, since she has been in regular employment of respondents for about 12 years, she is entitled to be regularised. She further claims an order of injunction restraining the respondents from disengaging her services.

3. Aforesaid prayers are vehemently opposed by the learned counsel appearing on behalf of respondents by contending that applicant has not at all been engaged by respondents. This contention is advanced on the basis of the fact that the salary of applicant is not being paid from the contingent fund but is being paid from the P.T.A.; hence, there is no relationship of master and servant between respondents and applicant; and ^{hence} ~~that~~ aforesaid prayer, in the circumstances, cannot and should not be granted.

4. In my judgment, applicant has made good her claim for regularisation. It cannot be gainsaid that applicant has been working for respondent No.2 school.

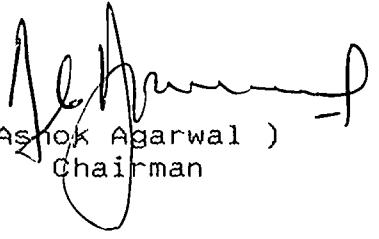
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She has been working for 12 long years. As has been certified by the Principal, her performance has been satisfactory. The fact that the Principal of the school has issued the certificate at Annexure A-2 is a telling circumstance that applicant is working in the said school. Whether her salary is drawn from the contingent fund or from the P.T.A., applicant has little role to play. It is not disputed and it cannot be disputed that the home science laboratory where the services of applicant are utilized is a part and parcel of the school and is being conducted by the school for the benefit of the students. It is, therefore, unjust and unfair on the part of respondents to seek to disassociate themselves from ~~the~~ services which they have been availing from applicant by setting a ground that her salary is not drawn from the contingent fund. Similarly, it is not open to respondents to disassociate themselves from the P.T.A. which, in my view, is very much a part and parcel of the school. In the circumstances, in my opinion, applicant has made good her claim, at least for being considered sympathetically at the hands of respondents, for regularisation.

5. On facts similar to ones arising in the present case, this Tribunal in the case of Varsha Rani v. Government of N.C.T. & Anr., being O.A. No.1673/96 decided on 1.7.1997 has granted the very same reliefs which I am proposing to grant in the present case. A copy of the aforesaid order is to be found at Annexure A-4.

[Signature]

6. In the result, present O.A. succeeds. Respondents are accordingly directed to consider the claim of applicant for regularisation after relaxation of age sympathetically in the light of observations contained herein above. There shall be no order as to costs.


(Ashok Agarwal)
Chairman

/as/