

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2468/94

New Delhi this the 20th day of March 1997

Hon'ble Mr N. Sahu, Member (A)

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1. Ram Suresh
S/o Shri Bisram Marya
Part-time Mali
Govt. Girls' Sr. Secondary School
Adarsh Nagar
Delhi 110 033
R/o A1-26 Budh Vihar Phase-II
Delhi-110 041.

2. Smt. Devi
W/o Sulekh Chand Sahni
Domestic Science Helper
Govt. Girls' Sr. Secondary School
Adarsh Nagar
Delhi - 110 033
R/o 101 Ibrahimpur Junction
DCM Colony
Delhi - 110 036.

...Applicants

(By advocate: Shri K.N.R. Pillai)

Versus

Govt. of NCT of Delhi
through Director of Education
Old Secretariat
Delhi-110 006.

...Respondent

(By advocate: Sh. S.K.Gupta, proxy for Shri B.S.Gupta)

ORDER

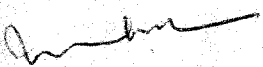
Hon'ble Mr N. Sahu, Member (A)

Applicants are aggrieved on account of non-inclusion of their names in the seniority list in Group-D services and approved list for regularisation enclosed as Annexure-I. The claim of the applicant is that they were recruited through Employment Exchange for appointment to the post of Malis and domestic science helper. They were recruited by following the procedures prescribed for Group-D staff and part-time

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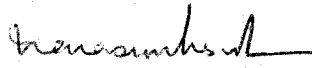
employees. The selection was made after conducting interview and their appointment was approved by the Dte. of Education on 30.3.89. While initially they were being paid from the contingency fund, after March 1989, they were paid from the Boys' Fund. Their claim is that they fulfilled the stipulations in the recruitment rules for Group-D as also three conditions set by the respondents in their instructions at Annexure-A8. Respondents contend that the applicants worked in Govt. Girls' Sr. Secondary School, Adarsh Nagar, New Delhi and were paid out of Boys' Fund which is a private fund collected from students and utilised for their welfare. They were not considered for regularisation because they were not appointed against sanctioned posts for part-time workers and their salary was not charged on Government Funds but from the private funds. Although they were sponsored by the Employment Exchange, that ipso-facto would not confer any right on the applicants to the post of Mali against regular post. Only those part-time workers were considered for regularisation whose engagement was made against sanctioned post. It is mentioned that the department has not sanctioned any part-time post of domestic science lab helper. The allegation made in the application about several other persons' regularisation has been discussed in each individual's case. It is denied that the applicants' rights were infringed.

2. A similar matter was discussed in OA 1139/94 by the order of this PB dated 7.12.94 in the case of Ram Kumar & Ors. Vs. NCT of Delhi. That was also a case where this Tribunal found that the hurdle in the way of the applicants was that they had not been appointed against sanctioned post. Therefore, payment from a private fund makes their case even more unacceptable. The Division Bench in the case cited above, considering that the applicants had put in the best of their



service and had become overaged for any other employment, directed that the respondents shall take steps to get the post sanctioned against which the applicants were engaged and thereafter accord relaxation for regularisation of their services. I will adopt the same observations in this case by directing the respondents to obtain sanction for the post because these persons have rendered services for the institution in some capacity or the other and having put in nearly 5 years of service, it will be inappropriate to altogether ignore their services. With these observations, the OA is dismissed.

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(N. Sahu) 20/3/97
Member (A)

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