

Central Administrative Tribunal
Principal Bench

OA No.1472/2000

New Delhi this the 4th day of October, 2001. 18

Hon'ble Mr. Shanker Raju, Member (J)

Smt. Rambati,
W/o Shri Mohan Lal,
R/o Dewan E- Galib,
Mata Sundri Road,
Jhuggi No.3,
New Delhi.

-Applicant

(By Advocate Shri Kanwar Abar Ali)

-Versus-

1. The Chief Engineer, PWD,
Govt. of N.C.T. Delhi.
2. Executive Engineer, P.W.D.,
Division No.II (COD),
New Delhi.

-Respondents

(By Advocate Shri Ajay Gupta)

ORDER (ORAL)

Heard the learned counsel for the parties.

The grievance of the applicant is that having rendered 25 years of service as a Sweeper with the respondents she is yet to be accorded the regular status and the regular pay scale which is admissible as per the Minimum Wages prescribed by the Government and as admissible to a regularly appointed Government servant. The applicant further contended that though the nomenclature of her appointment is stated to be as part time sweeper but in fact she has been working for the entire day as akin to a regular sweeper but yet paid a meagre sum in the form of consolidated salary. The applicant states that her services have been terminated abruptly on 1.11.99, without issuing a show cause notice and observing principles of natural justice. The learned counsel for the applicant stated that the same is in violation of the Articles 14 and

16 of the Constitution of India and stated that having attained the age of 50 years it would not be legally permissible for her to have employment elsewhere in the Government and on this fag end of life depriving her of the job which she was performing an the salary. (9)

2. On the other hand, strongly rebutting the contentions of the applicant the learned counsel for the respondents stated that the applicant was only a part time sweeper and was getting emoluments as admissible under the rules. It is also stated that the applicant was performing duties only for an hour and cannot be treated at per with full time regular employees, as such she is not entitled for accord of minimum wages as admissible to regularly appointed employee. It is also stated that the documents now shown by the learned counsel for the applicant and the application moved by the applicant do indicate that she has been working as part time sweeper and there is no scheme framed by the Govt. of India whereby the part time casual workers can be accorded regularisation. The only scheme which is there is for casual workers and part time workers are not amenable to the same.

3. Having regard to the rival contentions of the parties and perusal of the record produced by the applicant I am of the confirmed view that though the applicant has rendered 25 years of service but the same is on the basis of part time basis. The learned counsel for the applicant has failed to produce any documentary evidence to show that she has been working for the entire date and has rendered more than one our

a day with the respondents. The action of the respondents by replacing here by a regularly selected class IV employee, i.e., sweeper on regular basis cannot be found fault with. As there is no provision or scheme which deals with the regularisation of part time workers and the scheme in vogue is applicable to casual workers the applicant cannot get regularisation or regular status and accord of wages as admissible to the regularly appointed Group 'D' employee. However, the applicant has rendered 25 years of service and has huge liabilities on her shoulders to maintain the family consisting of five children. The applicant being an illiterate continued to work with the respondents without any objection in the hope that she would be accorded the pay scale of a regularly appointed person. In this view of the matter, taking equitable, sympathetic and compassionate view of the situation the present OA is disposed of though found bereft of merit is disposed of with a direction to the respondents to consider engaging the applicant against any job of casual nature in preference to outsiders and freshers. The applicant shall also be accorded the pay and allowances as attached to such engagement. In the event, the Government frames a scheme for regularisation of part time workers the applicant shall also be considered for the same and be accorded regularisation and regular pay scale. The abovestated directions shall be complied with by the respondents within a period of three months from the date of receipt of a copy of this order. It is, however, made clear that this shall not be treated as a precedent. No costs.

S. Raju
(Shanker Raju)
Member (J)

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