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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Regn. No. CA 2544/89

Date of decision: 25/5/90.

Smt. Lalti Devi

...Applicant

Vs.

Union of India through
the Secretary, Ministry
of Communications & Another

...Respondents

For the Applicant

...Shri Sant Lal &
Pradeep Kumar,
Counsel

For the Respondents

...Shri K.C. Mittal,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment? *yes*
2. To be referred to the Reporters or not? *No*

(The judgment of the Bench delivered by
Hon'ble Mr. P.K. Kartha, Vice Chairman(J))

The applicant, who is working as a Water Woman on daily wages basis in the office of the respondents, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying that the respondents be directed to appoint her on regular basis in Group 'D' cadre according to her seniority from the date her juniors have been regularised.

2. The facts of the case in brief are that the applicant was initially engaged as part time attendant for RMS Rest House Delhi in July, 1982. She worked as Rest House Attendant Delhi upto 14.11.1983. Thereafter, she was appointed as part time Water Woman

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under Head Record Officer RMS 'D' Division, New Delhi with effect from 15.11.1983. She has been working continuously thereafter. She has also been given full time work on daily wages basis during the year 1986, 1987, 1988 and 1989. In 1988, she has worked for 81 days part time and 260 days full time.

Similarly, in 1989, she has worked for 123 days full time and 240 days part time. She has rendered more than 7 years of service, but has not been regularised in Group 'D' cadre so far, while some casual labourers junior to her have been regularised.

3. Respondent No.2 (The Superintendent RMS 'D' Division) held literacy tests during 1988 and 1989 for regularisation of casual labourers in Group 'D' cadre but the applicant was denied the opportunity for regular appointment. The representations submitted by her did not yield any results.

4. The respondents have contended in their counter-affidavit that the applicant is not eligible to appear in the literacy test for recruitment to Group 'D' as she has become overaged.

5. We have gone through the records of the case and have heard the learned counsel of both parties. A similar question had been considered by this Tribunal in its judgment dated 15.12.1989 in a batch of cases (OA 1920/88 and connected matters - Netra Pal Singh and Others Vs. Union of India & Another) in which also

the applicants had not been regularised on the ground that they were overaged. The respondents had contended that the crucial date for computing the service/age limit for the purpose of eligibility would be the last date upto which the Employment Exchange is asked to submit the names of candidates for recruitment. The applicants had relied upon the guidelines issued by the respondents for regularisation of casual labourers vide their Circular No.DOT-269-29/87-SPN dated 18.11.88 which provides, inter alia, that casual labourers may be regularised without insisting on the eligibility with reference to their age and that the upper age limit in respect of such casual labourers may be treated as relaxed and an entry to this effect be made in the Service Book of the official. The Tribunal had expressed the view that the crucial date would be ^{the} date of initial recruitment of a person as casual labourer for computing the age limit and not his age at the time of regularisation. If, at the time of initial engagement, he was within the age limit prescribed under the relevant instructions, the fact that he became overaged while his case for regularisation came up for consideration, should not stand in the way of regularisation.

6. We reiterate the same view. Accordingly, we direct that the respondents shall consider the regular absorption of the applicant in Group 'D' cadre from the due date according to her seniority. They shall

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hold a supplementary literacy test for recruitment of Group 'D' staff, as expeditiously as possible, and give her an opportunity to appear in the same. They are further directed to treat her as within the age limit prescribed for the purpose of regularisation in case she was within the prescribed age limit, at the time of her initial engagement.

7. The respondents shall comply with the above directions within a period of three months from the date of communication of a copy of this order.

8. The application is disposed of with the above directions. The parties will bear their own costs.

Deebharan
(D.K. CHAKRAVORTY)
MEMBER (A)

25/5/80

Deebharan
25/5/80
(P.K. KARTHA)
VICE CHAIRMAN (J)