

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

...

OA.No.989 of 1992

14

Dated New Delhi, this 6th day of May, 1997

HON'BLE MRS LAKSHMI SWAMINATHAN, MEMBER (J)  
HON'BLE MR R. K. AHOOJA, MEMBER (A)

Smt. Raj Rani Dutta  
R/o B 81/A, Kalkaji  
NEW DELHI.

... Applicant

By Advocate: Shri Jagjit Singh

versus

Union of India, through

1. Lt. Governor of Delhi  
Delhi Administration  
Raj Niwas  
DELHI.
2. The Labour Commissioner  
Delhi Administration  
15 Rajpur Road  
DELHI- 110054.
3. Smt. Bhagwati Dhawan  
Lady Handicraft Teacher  
Labour Welfare Centre  
Kamla Nagar  
DELHI.
4. Smt. Gurdyal Devi  
Lady Handicraft Teacher  
Labour Welfare Centre  
Mandir Marg  
NEW DELHI.
5. Smt. Pushpa Devi  
Labour Welfare Centre  
Wazirpur  
DELHI. ... Respondents

By Advocate: Shri Vijay Pandita

O R D E R (Oral)

Mr R. K. Ahooja, M(A)

The applicant was working as a Part-Time  
Lady Handicraft Teacher under Respondent No.1 with  
effect from 4.2.1974. Her grievance is that  
though she was similarly placed as Respondents 3

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(15)

to 5 in respect of requisite essential qualifications for appointment as Full-Time Lady Handicraft Teacher, she has been discriminated inasmuch as while the Respondents 3 to 5 have been regularised on the said post, but the same has not been done in the case of the applicant. She has approached this Tribunal seeking a direction to the respondents to appoint her as Full-Time Lady Handicraft Teacher against any existing vacancy or against the post held by her juniors.

2. Respondents in the reply have pointed out that the applicant had earlier filed a Civil Suit which was transferred to the Tribunal and dismissed on 14.1.92 (copy at Annexure A-1). They, therefore, submit that the application is liable to be dismissed on the ground of res-judicata. Similar grounds have been taken by the private respondents in their reply. Though reply was filed by official respondents as also private respondents, none has appeared on behalf of the respondents. We had also directed Shri Vijay Pandita who is in the panel of counsel, but he also expressed his inability to argue the case as the respondents failed in giving proper briefing. Hence, he sought permission to withdraw from the case. We have, therefore, no alternative but to decide this matter on the basis of the pleadings before us.

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3. We find <sup>that</sup> in the order of the Tribunal dated 14.1.92 it was observed that since the petitioner was working as a Part-Time Lady Handicraft Teacher, the question of regularisation of her services would not arise in the face of the statutory rules governing the recruitment. The learned counsel for the applicants submits that though the applicant had the requisite qualifications including Embroidery for appointment as Full-Time Lady Handicraft Teacher, Respondent 3 to 5 have been regularised despite the fact that they have not got the requisite essential qualifications, ignoring the applicant.

4. In this situation, we consider that ends of justice would be served if the respondents ~~xxx~~ ~~xxxxxxxxxx~~ consider the case of the applicant as per the Recruitment Rules for ~~appointment~~ against ~~any~~ the vacancy that may be available or arise in future keeping in view the long period of service she has rendered as Part-Time Handicraft Teacher.

5. The OA stands disposed of as above. No order as to costs.

Ahooja  
(R. K. Ahooja)  
Member(A)

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Lakshmi  
(Mrs. Lakshmi Swaminathan)  
Member(J)

On