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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No.161/93

Date of decision: 13.05.1993.

Mrs. Nimmi Ballani

...Petitioner

Versus

Union of India & Another

...Respondents

Coram: The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

Shri G.K. Aggarwal, Counsel.

For the respondents

Shri P.P. Khurana, Counsel.

Judgement(Oral)  
(Hon'ble Mr. I.K. Rasgotra)

The case of the petitioner is that she was appointed as Junior Investigator on being sponsored by the Employment Exchange w.e.f. 1.9.1986. She has, however, not been regularised in service. She has been asked to appear in the Staff Selection Commission's (SSC for short) examination vide letter dated 5.1.1993 before she can be regularised. The only material ground adduced for regularisation without appearing in the SSC examination by the learned counsel for the petitioner is that Smt. Shashi Bala and Shri Kalam Singh who were also appointed in the same manner after conducting a selection of the candidates sponsored by the Employment Exchange have been regularised by the respondents in relaxation of the Rules without subjecting to SSC examination.

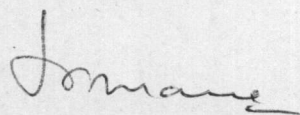
2. Keeping in view the short question involved we had directed the learned counsel for the respondents to check up the position leading to the relaxation of rules for the purpose of regularisation of Smt. Shashi Bala and Shri Kalam Singh. The learned counsel for the respondents produced the

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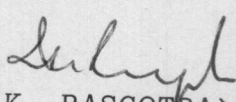
relevant record today for the perusal of the Court. It is observed that Smt. Shashi Bala and Shri Kalam Singh were regularised after relaxing the mode of recruitment under the powers vested in the administrative Ministry. Their cases had not been referred to the Department of Personnel. There is no reason why the case of the petitioner should be treated in a different manner. If a different norm/yardstick is applied in her case it would be tantamount to discrimination and, therefore, cannot be legally sustainable. We do not find any justification in referring her case to the Department of Personnel which led to the issue of the order, directing her to appear in the SSC's examination to secure regularisation, when two persons similarly appointed through Employment Exchange have been regularised by relaxing the mode of recruitment under the powers vested in the Administrative Ministry. The adoption of a different course in the case of the petitioner would be discriminatory and liable to be set aside and quashed.

3. In the above facts and circumstances of the case, we direct the respondents to consider the case of the petitioner for regularisation as Junior Investigator in the same manner as has been adopted in the case of Smt. Shashi Bala and Shri Kalam Singh.

4. The O.A. is allowed, with the above directions. No costs.

  
(J.P. SHARMA)  
MEMBER(J)

San. MEMBER(J)

  
(I.K. RASGOTRA)  
MEMBER(A)

MEMBER(A)