

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 625/94

Date of order 4.7.95

Smt. Tara Devi w/o Shri Manhiya Lal resident of Katchi Basti, Jawahar Nagar, Jaipur- 302 004.

... Applicant

, VERSUS

1. Union of India through the Director General, Geological Survey of India, Chourangi Lane, Calcutta.
2. The Deputy Director General, Geological Survey of India Training Institute, Bandlaguda G.S.I. Complex, Hyderabad- 500 660.
3. The Director, Geological Survey of India Training Institute, Sawar Centre, 5-CHH-7, Jawahar Nagar, Jaipur- 302 004.

... Respondents

CORAM

Hon'ble Mr. O.P. Sharma, Member (Administrative)
Hon'ble Mr. Rattan Prakash, Member (Judicial)

For the Applicant ... Mr. Kunal Rawat
For the Respondents ... Mr. U.D. Sharma

O R D E R

PER HON'BLE MR. O.P. SHARMA, MEMBER (ADMINISTRATIVE)

Smt. Tara Devi, in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed that the respondents may be directed to give appointment to the applicant on a regular basis on the Group 'D' post of Sweeper and that regular pay scale may also be awarded to her.

2. The applicant's case is that she was appointed to the post of Sweeper, a Group 'D' post, in the office of Geological Survey of India Training Institute, Jaipur on 1.1.84 at an initial pay of Rs. 25/- per month, which has been raised from time to time with the result that she is now getting Rs. 350/- per month from January, 1993. She has prayed for regularisation on this post from time to time but no action has been taken by the respondents in this connection so far. She adds that she has been getting pay of Rs. 350/- per month which amounts to exploitation because she has been performing the duties of the post of Safaiwala/Sweeper from 8.00 AM to 5.00 PM daily.

3. The respondents in their reply have stated that the applicant was engaged on a part time basis on an oral understanding for the specific purpose of sweeping the office premises of respondent no. 3 on a consolidated payment of Rs. 25/- per month, which has been eventually increased to Rs. 350/- per month. They have added that the amount being paid to her is not in the nature of pay but is in the nature of a contractual consolidated monthly wage. They have added that they do not require the services of the applicant on a full time basis having regard to area of the premises which is very small. They have further stated that the representation of the applicant for regularisation was forwarded to respondent no. 2, Deputy Director General, Geological Survey of India, Hyderabad but he had rejected the request for regularisation. The said decision of rejection was conveyed to the applicant orally on 3.3.94. No person engaged on part time basis after the engagement of the applicant has been regularised.

4. During the arguments, the learned counsel for the respondents drew our attention to Annexures R-2 and R-3, filed alongwith their reply which are judgments of this Bench of the Tribunal delivered on 21.10.94 and 17.5.94 in OA nos. 167/91 and 110/91 respectively. In these judgments, directions were given to the respondents that if there is any vacancy in a regular post of Safaiwala in Group 'D', the applicant's name should be considered for regularisation and that this consideration should be applied ~~if~~ ^{without} the name being sponsored by the Employment Exchange. Further in the said order, the Tribunal has held that relaxation may be granted with regard to age and other qualifications required for regularisation of that post.

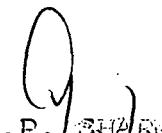
5. In the circumstances of the present case, therefore, we direct the respondents to consider the name of the applicant for regularisation on the Group 'D' post of Safaiwala as & when vacancy arises, in accordance with her seniority, without the applicant's name being sponsored by the Employment Exchange and by relaxing conditions of

of age and other qualifications. In the circumstances of the case, we do not consider it necessary to issue any direction regarding the wages being paid to the applicant.

6. The OA stands disposed of accordingly at the admission stage with no order as to costs.


(PATTAN PRakash)

MEMBER(J)


(O.P. Sharma)

MEMBER(A)

AHQ.