

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

CP 125/2016 in
OA 3774/2013
With
CP 63/2016 in
OA 2500/2013

Reserved on : 23.02.2017
Pronounced on : 1.03.2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. P.K. Basu, Member (A)

CP 125/2016

1. Rajesh Kumar S/o Shri Bishan Singh
R/o 10671/9, Gali No.9
Andha Mughal Pratap Nagar-II
Delhi
 2. Sushma W/o Rajesh Kumar
R/o 10671/9, Gali No.9
Andha Mughal Pratap Nagar-II
Delhi
 3. Sunita W/o Duli Chand
R/o D-235, Gali No.4
Mangolpuri
 4. Basanti Shao W/o Bashu Dev Shao
R/o H.No.55, Anand Gram, Tahirpur
Shahdara, New Delhi
- ... Applicants

(Through Shri Yogesh Sharma, Advocate)

Versus

1. Shri K.K. Sharma
Chief Secretary,
Govt. of NCT of Delhi
New Sectt., I.P. Estate,
New Delhi
2. Dr. Dilraj Kaur
Director,
Directorate of Social Welfare,
Govt. of NCT of Delhi
GLNS Complex, Delhi Gate,

New Delhi

... Respondents

(Through Shri Vijay Pandita, Advocate)

With

CP 63/2016

1. Smt. Sunita W/o Shri Chander Bhan
R/o 3/5 Veena Enclave, Nangloi
Delhi-41
 2. Smt. Bala w/o Shri Dharambir
Working as Sweeper in Women & Child
Development Office,
Govt. of NCT of Delhi,
Near Shastri Nagar, Delhi
 3. Smt. Sushila W/o Shri Preet Singh
R/o H.No.1/50, Type – I, NCERT Campus,
Arbindo Marg,
New Delhi – 16
-Applicants

(Through Shri Yogesh Sharma, Advocate)

Versus

1. Shri K.K. Sharma
Chief Secretary,
Govt. of NCT of Delhi
New Sectt., I.P. Estate,
New Delhi
 2. Dr. Dilraj Kaur
Director,
Directorate of Social Welfare,
Govt. of NCT of Delhi
GLNS Complex, Delhi Gate,
New Delhi
- ... Respondents

(Through Shri Vijay Pandita, Advocate)

ORDER

Mr. P.K. Basu, Member (A)

CP 125/2016 in OA 3774/2013 and CP 63/2016 in OA
2500/2013 are disposed of by this common order as the issue

involved in both the petitions is the same. For convenience, facts have been extracted from OA 3774/2013.

2. The applicants are casual employees working in Directorate of Social Welfare. They had approached this Tribunal seeking regularization as Group 'D' employees against 50% quota. The OA was disposed of vide order dated 25.03.2015.

We quote below relevant para 4 and 5 of the order:

"4. On merits, learned counsel for applicants could submit that the controversy regarding regularization involved in the present Original Application is, in all fours, of the Order passed by this Tribunal in O.A. No.2500/2013 with O.A. No.2503/2013 on 24.12.2014. The operative portion of the Order reads thus:

"6. The fact that the respondents have regularized 5 persons from the seniority lists of Department of Women and Child Development in 2012 cannot be a ground for the present applicants to get a similar treatment especially in view of the fact that the Government has already discontinued recruitment to Group-D posts. In view of that policy decision, this Tribunal cannot give direction to fill up the posts that have been abolished or going to be abolished. However, we take note of the long years of service rendered by the applicants with the respondents; the fact that they have passed the age when they cannot look for alternative employment elsewhere; the respondents have not regularized part time workers against the 50% quota to fill all available vacancies; and the fact that in view of the provision in the RRs of 1985 for Group-D posts they had all along an expectation that subject to availability of vacancies their services will be regularized. Keeping that view we direct the respondents to consider keeping some provision for regularization of part time workers while framing the RRs for the Group-C posts as a replacement of the Group-D posts. In this regard, the approach adopted by the Director General, BSF, Ministry of Home Affairs in para 5 of the order dated 04.11.2010, a copy of which has been placed on record by

the applicant, could be kept in view. The OAs 2500/2013 and 2503/2013 are disposed of with the above directions. No costs”

Learned counsel for respondents could not distinguish the said Order on any count.

5. In the circumstances, the Original Application is disposed of with direction to the respondents to examine the claim of the applicants also in view of the aforementioned Order passed by the Tribunal. As far as the clause 8 (iv) of the Original Application is concerned, we are of the view that in terms of the provision of Section 10 of Central Administrative Tribunal (Procedure) Rules, 1987, two unconnected reliefs cannot be sought in a single Original Application unless they are mutually consequential and interlinked. In the present case, we do not find that the prayer for revised wages as part time worker is connected with the claim for regularization, thus the prayer cannot be maintained in the present case wherein the main controversy pertained to regularization. Nevertheless, learned counsel for respondents fairly submitted that the applicants may make representation(s) for giving benefit of circular dated 26.3.2013 to them and on such representation(s), the respondents would examine the claim. In view of the statement made, prayer clause 8 (iv) of the Original Application is disposed of.”

3. The respondents issued order dated 3.01.2017 considering the directions of the Tribunal in OA 2500/2013, OA 2503/2013 and OA 3774/2013 and rejected the claim of the applicants holding that it may not be feasible to keep a provision of absorption of applicants in the aforementioned OAs in the Recruitment Rules (RRs) for MTS. According to this order, as per model RRs of Government of India (GoI) and Government of National Capital Territory of Delhi (GNCTD), the method of recruitment for MTS is prescribed as “By Direct Recruitment”. Therefore, it was felt that it was advisable not to alter any provision of RRs at this stage.

4. The learned counsel for the applicants stated that in OA 2503/2013, the Tribunal had taken note of the long years of service rendered by the applicants; that they have passed the age when they cannot look for alternative employment elsewhere; that the respondents have not regularized part time workers against 50% quota to fill all available vacancies; and that in view of the provision in the RRs of 1985 for Group 'D' posts, they had all along an expectation that subject to availability of vacancies their services will be regularized.

5. We have gone through the order in OA 3774/2013. This order quotes the relevant order passed by the Tribunal in OA 2500/2013 and OA 2503/2013. It is clear from this order that there was no specific direction but only a direction to consider keeping some provision for regularization of part time workers while framing the RRs for the Group-C posts as a replacement of the Group - D posts i.e. MTS. In OA 3774/2013, the respondents were again directed to examine the claim of the applicants also in view of the aforementioned order passed by the Tribunal. The respondents did so but could not accept the request of the applicants in view of the fact that the Government of India (GoI) has made the post of MTS as a direct recruitment post and following the GoI guidelines, GNCTD has also kept the post of MTS as a direct recruitment post.

6. It is clear from the order passed in OA 2500/2013, OA 2503/2013 and OA 3774/2013 that the Tribunal had asked for consideration of the prayers of the applicants. The respondents

have done that and have issued order dated 3.01.2017. This is substantial compliance of the Tribunal's order dated 25.03.2015 in OA 3774/2013. The Contempt Petitions are, therefore, closed and notices discharged. However, the applicants would be at liberty to challenge the order dated 3.01.2017 by filing a fresh OA.

(P.K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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