

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.426/2014

This the 29th day of September, 2016

Hon'ble Shri P.K. Basu, Member (A)

Shri Chaman Prakash
S/o Late Shri Charan Singh
R/o B-65, Gali No.14, Jagat Puri Extension
Delhi-110093. ..Applicant

(By Advocate: Shri C Hari Shanker)

Versus

1. The Head of Office
Anthropological Survey of India
Camp Office, West Block-2
Wing No.6, First Floor, R K Puram
New Delhi-110066.
2. The Director-in-Charge
Anthropological Survey of India
27, Jawaharlal Nehru Road
Kolkata-700016. ...Respondents

(By Advocate: Shri S m Arif)

O R D E R (ORAL)

The applicant was appointed as a contingent paid staff in camp office of the respondents initially in 1999 for a period of 89 days. Thereafter, he was engaged for a period of 89 days with breaks in between. He continued as such till 15.01.2014 when the respondents took a policy decision of engagement of house keeping staff through outsourcing. The prayer of the applicant in this OA is as follows:-

"(i)to issue necessary directions for regularization of the applicant in the Group D Post, or in the

alternative, to grant temporary status to the applicant.

(ii) to quash and set aside letter dated 15.01.2014 issued for outsourcing of housekeeping staff."

2. The learned counsel for the applicant states that since he has worked for almost 15 years in the camp office of the respondents, he may either be regularized or at least given temporary status. The prayer of temporary status has already been rejected by the respondents vide letter dated 24.09.2010 due to some administrative difficulties. Learned counsel for the respondents explained that the administrative difficulties are that there are no posts in Group 'D' any more and further that the Govt. has now taken this decision, as communicated by letter dated 15.01.2014, to outsource such jobs for housekeeping. Learned counsel further stated that while there was a scheme for temporary status of 01.09.1993, DOP&T vide OM dated 06.06.2002 has clarified that this is not an on going scheme but was introduced as a one time measure. Further, the persons who have rendered continuous service of at least one year i.e. at least 240 days in a year or 206 days (in case of offices having 5 days a week) are eligible. It is stated that in view of this, the applicant cannot be given benefit under the scheme of 01.09.1993.

3. I have heard the learned counsel for both sides as well as gone through the pleadings and documents placed on record. Learned counsel for the applicant has argued that the applicant had been appointed through a regular procedure because his

name obtained from the employment exchange. However, the appointment letter, produced by the applicant, clearly indicates that he was engaged as Contingent Paid Staff (Group 'D') in the camp office. This was not a regular selection process. After the judgment of the Hon'ble Supreme Court in ***Secretary, State Of Karnataka And Ors. vs. Umadevi And Others*** (2006) 4 SCC 1, the law is well settled that there is no scope of regularization of candidates who have been appointed without following regular procedure and provisions of Recruitment Rules. In any case, the respondents have now taken a decision to outsource housekeeping staff and this Tribunal cannot interfere in this policy decision. In view of the above, the OA does not succeed and it is, therefore, dismissed. No costs.

(P.K. Basu)
Member (A)

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