

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1089/2016

New Delhi this the 14th day of November, 2017

Hon'ble Mr. K.N. Shrivastava, Member (Judicial)

Smt. Anjuman (Aged about 50 Years)
W/o Mohd. Nisar
Working as House Aunty
O/o Asha Kiran, Complex Rohini Sector-1
Awantika, New Delhi-1110086
R/o H. No. 13, Gali No. 3, 'D' Block
Begumpur, Near Bhairo Mandir Road,
New Delhi. Applicant

(By Advocate: Mr.P.C. Mishra)

VERSUS

Govt. of NCT Delhi & Others, Through

1. The Chief Secretary,
Govt. of NCT Delhi,
Delhi Secretariat, I.P. Estate,
New Delhi.
2. The Secretary,
Department of Social Welfare,
Govt. of NCT Delhi,
Delhi Secretariate, I.P. Estate,
New Delhi.
3. The Director
Department of Social Welfare
Govt of NCT of Delhi
New Delhi-02
... Respondents

(By Advocate: Mr. Amit Anand)

O R D E R (ORAL)

Mr.Amit Anand, learned counsel for the respondents in compliance of the directions contained in the Tribunal's order dated 26.04.2017 submitted order dated 29.09.2017, which reads as under:-

F. No.44(264)/2017DSW/Estt/1145

Dated 29.09.2017

Sub:- In the matter of Smt. Anjuman vs. GNCT of Delhi, OA no. 1089/2016.

The Hon'ble CAT vide Dasti order dated 26.04.2017 in OA /100/1089/2016 has mentioned that the applicant Ms. Anjuman submits that two other persons namely, Ms. Anjali Pal and Ms. Maya had been given temporary status in pursuance of Government of India, DOPT instructions dated 10.09.1993 and decision of the Tribunal dated 24.05.2002 in OA No. 3027/2001 and the Hon'ble Court has sought clarification from the Department as under:-

"The respondents may submit reasons why the applicant not been similarly treated as the applicants in this aforesaid OA, within three weeks".

The matter has been examined by the Department of Social Welfare looking into the available records. It is found that Ms. Anjuman, House Aunty at the time of this scheme ie. **Casual Labourers(Grant of Temporary Status & Regularization) Scheme of Government of India, 1993, circulated vide DoP&T OM No. 51016/2/90-Estt (C) dated 10.09.1993**, had neither applied nor submitted any representation to the competent authority for grant of temporary status and regularization.

Further it is also submitted Ms. Anjuman was terminated from her services from this department on dated 02.12.1997.

Furthermore, it is also submitted that Ms. Anjuman, House Aunty reinstated in Asha Kiran Complex in January, 2007 and the process of making a seniority list of Group D vacancies amongst the part time employees of the department started on 10.12.2008. The list was finalized on 11.11.2010, in between lots of communication made by the HQ to all the DDO/HOO of Homes/institutions/schools/MCUs/District Offices of this department for providing the name of part time workers of this department for making a seniority list of Group D vacancies. But neither any Homes/institutions/schools/MCUs/District offices of this department sponsored her name i.e. Ms. Anjuman for the same nor Ms. Anjuman submitted any representation to this department personally as per record..

The Para 2 mentioned in DOPT, OM F.No.49014/3/2014-Estt(C) dated 16.10.2014 is reproduced as under:-

"Following the acceptance of the recommendation of the 6th CPC, all Group D posts, PB-upgraded to Group C posts. Recruitment to erstwhile Group 'D' posts placed in Group 'C', PB-1, Grade Pay 1800/- (non-technical as MT staff) is now only through Staff Selection Commission and minimum educational qualification for appointment is Matriculation or ITI pass. Regularization of CL-TS therefore cannot be done by the Ministries /Departments on their own and requires relaxation of para-8 of the Appendix to the O.M. dated 10.09.1993."

In view of para 2 of DOPT OM dated 16.10.2014 all Group D posts have been upgraded to Group C posts. Recruitment to erstwhile Group 'D' posts placed in Group 'C' PB-1, Grade Pay 1800/- (non technical as MT staff) is now made only through Staff Selection Commission and minimum educational qualification for appointment is Matriculation or ITI pass. Regularization of CL-TS therefore cannot be done by the Ministries/Departments on their own and requires relaxation of para-8 of the Appendix to the O.M. dated 10.09.1993. The Department is not in a position to grant Temporary Status to Ms. Anjuman, House Aunty.

Deputy Director
Admn.-II

Deputy Director
Litigation Branch, DSW

2. In view of the order dated 29.09.2017 passed by respondent No.3, the parties are *ad idem* that this OA has become infructuous and the same is dismissed accordingly. The applicant, however, shall have the liberty to take appropriate remedial measures as available to her in case she chooses to challenge the order dated 29.09.2017.

(K.N. Shrivastava)
Member (J)

