

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

OA No.2973/2017

New this the 30th day of August, 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N.Shrivastava, Member (A)

Tarun Lata
Aged about 42 years
W/o Shri Anil Kumar
Post: Primary Teacher
R/o A-4, C-Block, Paryavaran Complex, Gr. "B"
Rama Apartments, Saiddulajab
Delhi – 110 030. Applicant.

(By Advocate: Shri Ashok K Sharma)

Versus

1. The Secretary
Ministry of Human Resource Development
Govt. of India
Office at Shastri Bhawan
New Delhi – 110 001.
2. Deputy Director, Education
South Zone, MCD Office
Green Park, Near Uphar Cinema, New Delhi.
3. The Secretary
Department Education
GNCT old Secretariat, Delhi – 54.
4. The Principal SDMC, Nigam Pratibha
Kanya Vidyalaya, Neb Sarai
New Delhi – 110 068.Respondents

(By Advocate: Shri N.K.Singh for R-1 and 4
Shri R.K.Jain for 2 and 3)

ORDER (ORAL)

By Hon'ble Mr. Justice Permod Kohli,

Since the respondent no.3 does not exist, the name of respondent no.3 is directed to be deleted from the array of respondents. The applicant was engaged as a Primary Teacher on contractual basis. The learned counsel for the applicant submits that there are some inadvertent clerical omissions. He submits that the applicant is working in South Delhi Municipal Corporation, but inadvertently, the same has not been properly mentioned in the OA. He seeks leave of this Tribunal to make necessary correction in the particulars of respondents. Prayer allowed. The correction is carried out in open court. Respondents will be re-numbered as 1 to 4.

2. Notice. Shri NK Singh accepts notice on behalf of respondent nos. 1 and 4 and Mr. R.K. Jain for respondent nos. 2 and 3.

3. The applicant was initially engaged as a Primary Teacher in M.C.D. Primary School, Mandi Village, New Delhi on contractual basis for the period of six months on 04.09.2006 on a consolidated monthly remuneration of Rs.5,000/-. The applicant was continued since then by extension of the contractual engagement from time to time. The consolidated wages of Rs.5,000/- continued upto 31.03.2008, and thereafter the consolidated wages were increased to Rs.9,500/- per month. The applicant had earlier made a representation in December, 2003 seeking regularisation. It seems that the same was not pursued thereafter. This Application has been filed seeking direction for regularisation of the applicant to the post of Primary Teacher of the Municipal Corporation of South Delhi. It is stated that the applicant's engagement was made against a regular permanent vacancy and thus he is entitled to be regularised. The applicant has now made another representation in August, 2016. The said representation also remained unattended till date. The applicant relies upon a judgment of the Apex Court in the case of **State of Karnataka & Ors. Vs. Uma Devi & Ors**, reported as 2006 (4) SCC 01 wherein it is stated that regularization of

employees on merit is to be considered by the appropriate authority, who have been working for a period of ten years or more without the intervention of orders of the Tribunals or Courts against sanctioned posts and possess the required qualifications provided their initial appointment is irregular and not illegal. It is stated that the respondent in arbitrary and unconstitutional manner not taking any steps to regularize the service of irregularly appointed employees such as the applicant, who has served for more than 13 years in different Municipal Corporations Schools of Delhi. Learned counsel seeks further indulgence to supplement his representation within two weeks.

4. In view of the above, we dispose of this Application with a direction to the Commissioner, South MCD to examine the representation of the applicant and the supplementary representation, if any, preferred by the applicant within two weeks and dispose of the same by passing a reasoned and speaking thereon, within a period of four months from the date of receipt of a copy of this order in accordance with law.

(K.N.Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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