

**Central Administrative Tribunal
Principal Bench**

**OA No.4305/2016
MA No.3851/2016**

New Delhi, this the 2nd day of January, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

1. Smt. Laxmi, aged 40 years, Group 'D',
W/o Shri Suresh,
Working as Part Time Sweeper,
Department of Woman & Child Development,
Sewa Kutir Complex, Kingsway Camp,
Delhi.
R/o D-2, 242, Madangir, Dr. Ambedkar Nagar,
New Delhi.
2. Smt. Kamlesh, aged 43 years,
W/o Shri Surender,
Working as Part Time Sweeper,
Department of Woman & Child Development,
Sewa Kutir Complex, Kingsway Camp, Delhi.
R/o C-6, Gali No.1, Near Railway fatak,
Ganesh Mandir, Meet Nagar,
New Delhi.

...applicants

(By Advocate : Ms. Sonika Gill for Shri Yogesh Sharma)

Versus

1. Govt. of NCT of Delhi through,
The Chief Secretary,
New Sectt. I.P. Estate,
New Delhi.
2. The Secretary,
Directorate of Women & Child Development,
Govt. of NCT of Delhi,
GLNS Complex, Delhi Gate,
New Delhi.
3. The Director,
Directorate of Women & Child Development,
Govt. of NCT of Delhi,
1, Canning Lane, K.G. Marg,
New Delhi.

...respondents.

ORDER (ORAL)**Hon'ble Mr. V. Ajay Kumar, Member (J) :-****MA No.3851/2016**

For the reasons stated therein, the MA filed for joining together is allowed.

OA No.4305/2016

Heard the learned counsel for applicant.

2. The applicants who are presently working as part time sweepers with the respondents have filed the present OA seeking the following reliefs :-

- “(i) That the Hon'ble Tribunal may further graciously be pleased to pass an order declaring to the effect that the whole action of the respondents not considering the cases of part time workers under 50% quota is illegal, arbitrary and against the rules and consequently pass an order directing the respondents to calculate all the vacant Group 'D' posts and considered the applicants for their regularization/appointment as per the recruitment rules against 50% quota at an early date as done in the cases of junior and similar situated persons.
- (ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to regularize the services of the applicants from the date of regularization of the services of junior persons, under 50% quota for their regularization and appointments against the vacant posts and also pass an order directing the respondents not to replace the applicants by any other person from any source till their regularization.

(iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant."

3. Though it is submitted that the applicants have orally requested the respondents number of times to regularise them at par with others, however, it is noticed that they have not made any representation till date to the respondents ventilating their grievance.

4. In the circumstances, the OA is disposed of, without going into the merits of the case, by permitting the applicants to make appropriate representation ventilating their grievance with the concerned authorities, within two weeks from the date of receipt of a certified copy of this order, and on receipt of such a representation from the applicants, the respondents shall consider the same and pass appropriate speaking and reasoned order thereon, in accordance with law within 90 days therefrom. No costs.

5. Let a copy of the OA be annexed to this order.

(V.N. Gaur)
Member (A)

(V. Ajay Kumar)
Member (J)

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