

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 644/2012

Reserved on 18.07.2018
Pronounced on 23.07.2018

Hon'ble Ms. Praveen Mahajan, Member (A)
Hon'ble Mr. S.N.Terdal, Member (J)

Ms.Krishna Kumari,
D/o Shri Babu Ram,
R/o Room No. 12 & 13, Old Nurses Hostel,
Hindu Rao Hospital,
Delhi-110007.

... Applicant

(By Advocate Ms.Meghna De for Mr. Rajiv Agarwal)

VERSUS

1. North Delhi Municipal Corporation,
Through its Commissioner,
4th Floor, S.P.M.Civic Centre,
J.L.Nehru Marg, Minto Road,
New Delhi.
2. Department of Urban Development
Through Secretary,
Govt. of NCT of Delhi,
9th Level, C Wing,
Delhi Secretariat, I.P. Estate,
New Delhi-110002
3. Union Public Service Commission,
Through its Chairman,
Dholpur House,
New Delhi-110069.

... Respondents

(By Advocate: Mr. K.M.Singh for R-1 and Mr. Ankur Chhiber
with Ms. Bhanu Gupta for UPSC)

ORDER

Mr.S.N.Terdal, Member (J):

Heard Shri S.N.Sharma, counsel for the applicant and Shri K.M.Singh, counsel for the respondents, perused the pleadings and all the documents produced by the parties.

2. The relevant facts of the case are that the applicant was appointed as House Keeper on ad hoc basis initially vide order dated

23.12.1991, against a vacant post in the pay scale of Rs.950-1400, and posted in Hindu Rao Hospital under the respondents. Though she was initially appointed for six months but she was continued thereafter without any break by granting ex-post facto approval to her continuance in the said post. Seeking regularization, the applicant filed a Writ Petition (Civil) bearing no. 5641/2002 before the Hon'ble Delhi High Court of Delhi, which was transferred to this Tribunal and registered as TA No. 797/2009 and in the said TA, this Tribunal vide order dated 15.07.2009 directed the respondents to consider the case of the applicant for regularization. In compliance of the said order, it was noticed that at the time of appointment she was over aged by about 4 years 10 months and 7 days and that she was not having requisite experience of one year as per the notified Recruitment Rules (RRs). As such, the respondents took a decision for seeking one time relaxation in the RRs of the said post so that services of the applicant could be considered for regularization. But, however, as it was not certain as to whether they could relax the conditions in the RRs themselves, the respondents referred the file to the department of Urban Development, GNCTD and UPSC. Nevertheless, however, without waiting for their opinion regarding the relaxation, in view of the order dated 15.04.2011 passed in CP 306/2011 filed by the applicant, the respondents rejected the case of regularization of the applicant. The said rejection order was passed on 08.06.2011.

3. In this OA, the applicant has challenged the said order dated 08.06.2011 and sought a direction to the respondents to regularize the services of the applicant with effect from her initial date of joining i.e.

23.12.1991 and for consequential benefits. The UPSC is respondent No.3 in this case. They have filed a separate reply affidavit. In the reply affidavit they have stated that the other respondents have to approach the DOP&T, Ministry of Law and Justice and also furnish the recommendations of the Urban Development department of the GNCTD before approaching the Commission.

4. Be it as it may, this is 2nd round of litigation. The respondents as stated in the impugned order itself have taken a conscious decision to seek one time age relaxation and experience of the RRs and admittedly the applicant has been working in the said post since 1991 for the last 27 years.

5. In view of the peculiar facts of the case and in the interest of justice, we allow the OA and set aside the impugned order dated 08.06.2011 and direct the respondents to regularize the services of the applicant with effect from the initial date of her joining i.e. 23.12.1991 and to pay her all consequential benefits. No order as to costs.

(S.N.Terdal)
Member (J)

(Praveen Mahajan)
Member (A)

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