

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00460/2018

DATED THIS THE 12th DAY OF OCTOBER, 2018

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

Smt.Jamela Akbar Kudchikar,
W/o late Akbar
Aged about 59 years,
working at O/o Assistant Commissioner
for Linguistics Minorities
Belagavi, &
Residing at BC No.14, Fort
Belagavi 590016.
Karnataka

...Applicant

(By Advocate Shri Obalappa)

vs.

1.The Union of India,
Represented by its Secretary,
Ministry of Minority Affairs,
11th Floor, Deendayal Anthyodaya Bhavan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

2. The Director
Ministry of Personnel, Pensions &
Public Grievances
North Block,
New Delhi – 110 001

3.The Commissioner for Linguistics Minorities
Min. of Minority Affairs, Govt. of India,
HQ Office, #14/11, Jam Nagar House,
Shahajan Road,
New Delhi - 110 003.

4.The Assistant Commissioner
for Linguistics Minorities
Govt. of India,
Rajaji Bhavan, 2nd Floor,
E Wing, Basant Nagar,
Chennai – 600 098.

5.The Assistant Commissioner West Zone
for Linguistics Minorities
Govt. of India,
#23, Fort Belagavi,
Karnataka – 590016.

..Respondents.

(By Shri Vishnu Bhat , Sr.Panel Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

1. Heard. Apparently the applicant was working as Safaiwala in the Office of the respondents from 1985 onwards i.e. for a total period of 33 years. On 1.1.1993 she would claim that she had been granted temporary status and therefore, some sort of equivalence to a regular employee was granted to her. Even thereafter, also a quarter of century has elapsed. Even now it is submitted that she has not been regularized and she stands to retire in a few months time on attainment of 60 years age. This, we consider to be travesty of justice, as Constitutional process dictates that there cannot be human exploitation in governance system. Therefore, there will be a mandate to the respondents to immediately regularize her service following the temporary status granted on 1.1.1993 and pass appropriate orders within one month.

2. Even if, there is no vacancy some supernumerary vacancy may be found in parimateria department also and she may be regularized as other wise 33 years hard work will go in vain. That cannot be the consideration available in the Constitution Process of India .

3. OA is allowed. No order as to costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.460/2018

Annexure A1: Copy of order dated 1.5.1991

Annexure A2: Copy of DOPT OM dated 10.9.1993

Annexure A3: Copy of order dated 3.6.1996

Annexure A4: Copy of death certificate of husband of applicant dated 3.6.2012

Annexure A5: Copy of order dated 10.4.2006

Annexure A6: Copy of CAT order dated 27.1.2012 in OA.128/2008 & 145/2008

Annexure A7: Copy of HC of Karnataka order dated 18.6.2013.

Annexure A8: Copy of DOPT OM dated 16.10.2014.

Annexure A9: Copy of applicant's representations dated 20.1.2016 and 17.5.2016

Annexure A10: Copy of applicant's representation dated 28.7.2017

Annexure A11: Copy of applicant's further representation dated 14.12.2017

Annexure A12: Copy of Dy. Secretary file noting dated 2/5.2.2018

Annexure A13: Copy of order dated 6.2.2018

Annexure A14: Copy of order dated 19.2.2018

Annexure A15: Copy of order dated 26.2.2018

Annexure A16: Copy of medical certificate of the applicant dated 3.3.2018 & 26.2.2018

Annexure A17: Copy of order dated 6.4.2018

Annexure A18: Copy of 4th to 7th CPC pay scales

Annexure referred to by the Respondents in the OA

Annexure R1: Copy of letter dated 16.12.1975

Annexure R2: Copy of letter dated 8.10.2010

Annexure R3: Copy of letter dated 15.12.2017

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