

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**
ORIGINAL APPLICATION NO.170/00323/2017

DATED THIS THE 08th DAY OF APRIL, 2019

HON'BLE SHRI JUSTICE L.NARASIMHA REDDY, CHAIRMAN

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

1. M Chandrappa
S/o:Muniyappa,
Aged about: 44 years,
Occ: 'D' Group Employee
R/a: Shettigere Village, Doddajala Post,
Bangalore North Taluk,
Bangalore Rural District.
2. Smt. Hanumakka,
W/o: Rajanna, Age: Major,
Occ: 'D' Group Employee,
R/a: Raghavendra Nilaya,
2nd Cross, (Javeed pasha),
Municipal Layout,
Chikkaballapura Town.Applicants

(By Advocate Shri G.M.Chandrashekhar)

Vs.

1. Union of India
Ministry of Women and Child Development,
ShashtryBhavan,
New Delhi- 110001,
Represented by its Secretary.

2. The Director,
National Institute of Public
Co-operation and Child Development,
New Delhi-110001.

3. Regional Director,
National Institute of Public,
Co-Operation and Child Development,
Southern Regional Centre, No.18,
Yelahanka New Town,
Opp: ESCOTS LTD,
Doddaballapura Road,
Bangalore-560064.Respondents

(By Advocate Shri M.V.Rao, Sr.PC for CG)

O R D E R (ORAL)

(JUSTICE L.NARASIMHA REDDY, CHAIRMAN)

The applicants claim to have been engaged as casual labourer in the respondents organisation intermittently between 1997 and 2012. First applicant filed WP.No.17364/2012 before the Hon'ble High Court of Karnataka claiming the relief of regularisation. The WP was disposed of on 20.6.2012 directing that the respondents shall pass the orders on the representation submitted by the applicant. In compliance of the same, the respondents passed an order dtd.25.9.2012 rejecting the claim of the applicant for regularisation.

2. This OA was filed challenging the order dtd.25.9.2012. The applicants contend that the view taken by the respondents cannot be sustained in law. They submit that on account of their having been engaged by the respondents, though intermittently, valuable rights accrued to them for being regularized, and that the impugned order was passed contrary to the settled principles of law.

3. The respondents filed counter affidavit opposing it. They admitted that the applicants were engaged as casual labourers intermittently. It is stated that they were not in service for any continuous period and that the present OA is hopelessly barred by limitation. Reference was also made to the award passed by the Labour Court in ID.No.15/2012.

4. We heard Shri Gopalakrishna, Proxy Counsel on behalf of the Learned Counsel for the applicants and Shri M.V.Rao, Learned Sr.Counsel for the respondents.

5. The respondents did not deny the factum of engagement of applicants intermittently between 1997 and 2012. The first engagement of the applicant is between 1997 and 2012 and that of the second applicant is between 2007

and 2012. The first applicant pursued the matter before the High Court as well as Labour Court, almost simultaneously. While WP filed by him was disposed of directing the respondents to consider the representation, in ID No.15/2012, the Labour Court passed an award holding that it does not have any jurisdiction to entertain the matter of this nature. It is only long after the order was passed by the respondents in compliance with the directions issued by the High Court that the applicant filed the present OA.

6. The respondents have raised a serious objection on the point of limitation. Hardly any explanation is forthcoming from the applicants to explain the delay between 2012 and 2017. Be that as it may, the applicants were not in continuous service against any regular vacancy. It is only when an employee continued in service against a regular vacancy for a fairly long period, that the feasibility of regularising the services as provided for in the judgment of the Hon'ble Supreme Court in ***Secretary, State of Karnataka & Others vs. Umadevi & Others* [(2006)4 SCC 1]** would arise. Minimum of 10 years is stipulated therein.

7. In the context of considering the case for regularization, the question of granting such relief to persons who have been intermittently engaged that too not against a specific sanctioned post does not arise. We find no merit in the OA. The OA is therefore dismissed. There shall be no order as to costs.

**(C.V.SANKAR)
MEMBER (A)**

**(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN**

/ps/