

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 18th day of December Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/1506/2013

1. V. Kamalaveni, W/o. R. Viswanathan, Hindu, aged 52 years, working as Sanitary Assistant And residing at No.4, 1st Main Road, Pattammal Nagar, Mudaliarpet, Puducherry-4;
2. K. Kalyani, W/o. Kalaivendhan, Hindu, Aged 58 years, working as M.T.S. (Housekeeping) And residing at 5th Cross, Senthamarai Nagar, V. Thattanchavady, Puducherry,
3. J. Bommi, W/o. Jayabal, Hindu, aged 57 years, working as Sanitary Assistant And residing at No.5, Matha Koil Street, Kurusukuppam, Puducherry-12.

....Applicants

(By Advocate: M/s. V. Ajaykumar)

Versus

1. Union of India Rep. by the Government of Puducherry, Through the Director of Social Welfare, Puducherry;
2. The Special Secretary, DP&AR, Chief Secretariat, Puducherry;
3. Tamilselvi;
4. Adaikalamary;
5. Rajibai;
6. Rajeswari;
7. Padmini;

8. Seetalakshmi;
9. S. Saradha;
10. Saraswathy;
11. Rukmani;
12. A. Kaveri;
13. Dharmambal;
14. R. Raji;
15. Muniammal;
16. Irusammal @ Muthulakshmi;
17. Sulochana @ Malliga;
18. D. Vasugai;
19. Arokiamarie;
20. Manonmani;
21. Thomasammal.

.....Respondents

(By Advocate: Mr. R. Syed Mustafa for R1&R2)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Applicant has filed this O.A. seeking the following relief:-

" to direct the respondents 1 and 2 to regularize the services of the applicants with effect from the date on which the juniors of the applicants have been regularized with all other consequential benefits including arrears of wages, seniority etc as ordered by the Hon'ble Tribunal in O.A. No. 744 of 2000 and to pass such other or further orders in the interest of justice and thus render justice."

2. It is submitted that the applicants had filed O.A. No. 744/2000 seeking regularization of their part time services with effect from the date their juniors who were impleaded as private respondents had been extended the benefit of regularization. The O.A. was disposed of by this Tribunal an order dated 18.09.2001 directing the respondents to consider the case of the applicants for regularization with effect from the date the private respondents had been extended the benefit. However, the respondents took their own time to issue orders of regularization and the applicants were regularized with effect from 28.01.2009 only.

3. It is further submitted that a contempt petition in this regard was closed on the basis of the submission that the matter was under consideration of the Department of Personnel and Administrative Reforms (Personnel Wing), Puducherry and orders would be issued shortly. However, since the applicants had been regularized with effect from a much later date, this O.A. has been filed by them seeking the aforesaid relief.

4. No representation for the respondents. However, a reply has been filed by the first and second respondents stating that the applicants were regularized as Part- Time Contingent Paid Staff under "Special Nutrition Programme". The applicants were redeployed as Part Time "Sanitary Assistant" and "Cook" due to closure of the said "Special Nutrition Programme" Centres. As the applicants claimed that they had obtained an order from the Tribunal for regularization of their part time services, the Social Welfare Department sent a proposal to the Dept of Personnel & Administrative Reforms (Personnel Wing), Puducherry in this regard. However, the proposal was returned by the latter stating that the services of Daily Rated Sanitary Assistant/Security and General category staff only were regularized and not the Daily Rated staff meant for the "Special Nutrition Programme".

5. Subsequently, the part time services of the applicants were also regularized by an order dated 28.01.2009 by the Department of Personnel and Administrative Reforms (Personal Wing), Puducherry as Sanitary Assistant/Sanitary Helper and, therefore, nothing survived in the matter, it is contended.

6. On perusal, it is seen that no reasons have been given by the respondents as to why the applicants had only been regularized with effect from the date of issue of the order and not from the date of regularization of their juniors. In such circumstances, I am of the view that applicants are entitled to regularization in accordance with the directions of the Tribunal in O.A. No. 744/2000 dated 18.09.2001.

7. Keeping in view the above, the respondents are directed to pass a reasoned and speaking order strictly in accordance with the observations and directions contained in the order of this Tribunal in the aforesaid OA within a period of two months from the date of receipt of copy of this order. No costs.

(R. RAMANUJAM)
MEMBER (A)

Asvs.

18.12.2018