

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

O.A. No.108 of 2017

This the 24<sup>th</sup> day of December, 2018

**Hon'ble Ms. Nita Chowdhury, Member (A)  
Hon'ble Mr. S.N. Terdal, Member (J)**

Smt. Raj Rani, aged 52 years,  
W/o Late Sh. Jagmohan Sharma,  
Working as Daily Wages employee,  
Under Registrar of Companies, New Delhi  
R/o H.No.417, Ward No.3,  
Mehrauli, New Delhi-30.

....Applicant  
(By Advocate : Shri Yogesh Sharma)

VERSUS

1. Union of India through the Secretary,  
Department of Company Affairs,  
'A' Wing, Shastri Bhawan, New Delhi.
2. The Registrar of Companies,  
NCT of Delhi & Haryana,  
4<sup>th</sup> Floor, IFCI Tower-61,  
Nehru Place, New Delhi-19.
3. The Dy. Registrar of Companies,  
NCT of Delhi & Haryana,  
4<sup>th</sup> Floor, IFCI Tower-61,  
Nehru Place, New Delhi-19.

.....Respondents  
(None present)

**ORDER (Oral)**

**Ms. Nita Chowdhury, Member (A):**

None for the respondents. We proceed to adjudicate this case by invoking the provisions of Rule 16 of the CAT (Procedure) Rules, 1987. Accordingly, learned counsel for the applicant heard.

2. By filing this OA, the applicant is seeking the following reliefs:-

- “(i) That the Hon’ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 11.11.2016 (Annex.A/1) declaring to the effect that is illegal, arbitrary and discriminatory and consequently pass an order directing the respondents to regularize the service of the applicant to any suitable post with all the consequential benefits.
- (ii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicant along with the costs of litigation.”

3. In the instant OA, the applicant is challenging the order dated 11.11.2016 vide which the case of the applicant for her regularization was rejected.

4. Brief facts of the case as enumerated in the OA are that the applicant was appointed on casual basis w.e.f. 2.6.1997 after sponsoring her name from employment exchange and after qualifying the selection/interview etc. and since then she is working in the department continuously.

4.1 Applicant further averred that when after completion of 240 days, she was not granted temporary status, she filed OA 2246/1998 before this Tribunal and the same was disposed of vide Order dated 18.11.1998 with a direction to the respondents to consider the claim of the applicant for conferment of temporary status as per OM dated 10.9.1993.

4.2 In compliance of the said Order of this Tribunal, the respondents vide order dated 29.12.1998 granted temporary status to the applicant and also granted all the consequential benefits.

4.3 Applicant further averred that she made several representations many times to the respondents for regularization of her services as in terms of knowledge of the applicant after her appointment on daily wages basis, the respondents had regularised the services of other daily wages but her services were not regularised.

4.4 The applicant has also filed another OA 845/2013 seeking the relief of her regularization before this Tribunal and the same was decided on 15.9.2016 with a direction to the respondents to consider the claim of the applicant for permanent status in the light of the earlier Order of this Tribunal in OA 2101/2001 decided on 21.8.2001, if applicant makes a representation to the respondents within four weeks and the respondents shall consider the applicant's claim within four weeks thereafter and if the same is not accepted, pass a speaking order, to be communicated to the applicant.

4.5 In compliance of the aforesaid Order of this Tribunal, respondents passed the order dated 11.11.2016 whereby the claim of the applicant for her regularization has been rejected.

4.6 Aggrieved by the same, the applicant has filed this OA seeking the reliefs as quoted above.

5. Counsel for the applicant submitted that the services of juniors of the applicant have been regularised ignoring the claim of the applicant, which amounts to discriminatory treatment in the eyes of law.

5.1 Counsel further submitted that applicant is working since last more than 19 years and during the 19 years, number of posts became vacant and still vacant and respondents appointed number of fresh persons and also regularized but not considered the case of the applicant, which is illegal, unjust and discriminatory.

5.2 Counsel also submitted that judgment of the Hon'ble Supreme Court in the case of Uma Devi is not applicable in the case of the applicant.

5.3 Counsel for the applicant argued that once the applicant is similarly situated and even senior to the applicants in OA No.2101/2001 of the same department, the applicant is also entitled to the benefit of the judgment dated 21.9.2001, as it is well settled principle of law that identical or similarly situated persons are entitled for the same relief and, therefore, the plea of the respondents that the judgment dated 21.9.2001 is a specific judgment and benefits cannot be

extended to the applicant is totally arbitrary and discriminatory action of the respondents.

5.4 Counsel for the applicant further contended that the reasons given in the impugned order are not sustainable in the eyes of law.

6. In the counter affidavit filed by the respondents they have admitted that the applicant was granted temporary status w.e.f. 23.12.1998. However, they specifically stated that the applicants in OA No.2101/2001, namely, Shri Brij Lal Belwal, Shri Raghu and Shri Singhasan Rai, who were senior to the applicant as they were engaged as casual majdoor w.e.f. 27.8.1993, August, 1993 and 1.5.1995 respectively whereas the applicant was appointed as casual labourer on 4.6.1997. Further temporary status to all above three persons was granted on 1.9.1997 and to Smt. Raj Rani w.e.f. 23.12.1998 and thus on this count also she is junior to all the three employees.

7. They further stated that subsequently the instant applicant filed OA 845/2013 again for regularization of her services. The said matter was disposed of by this Tribunal vide Order dated 15.9.2016 with certain directions to consider the case of the applicant. In compliance of the said Order of this Tribunal, applicant filed her representation on 17.10.2016, which was examined in detailed and the same

was decided by a speaking order dated 11.11.2016, which the applicant has impugned in this OA.

8. The applicant has also filed her rejoinder in which reiterating the contents of the OA and denying the averments made in the counter affidavit filed by the respondents.

9. The issue involved in this case is only whether rejection of the claim of regularization of applicant's services vide order dated 11.11.2016 is sustainable in the eyes of law or not.

10. For proper appreciation of this issue, it is relevant to mention the contents of the impugned order, the relevant portion of which reads as under:-

“1. It is contrary to the terms of Para-4 of Office Order dated 29.12.1998 read with Hon'ble Central Administrative Tribunal's order dated 18.11.1998 which states inter alia that she is not entitled to any right to claim regular appointment unless she is selected through regular selection process for Group “D” (now Group “C”) post which has also been reiterated by the Hon'ble Central Administrative Tribunal in its order dated 14.09.2016;

2. The judgment dated 21.08.2001 passed by the Hon'ble Central Administrative Tribunal in the matter of O.A. No.2101/2001 is specific judgment and cannot be implemented in the instant case as advantage of a decision in another case rendered years back may not be allowed;

3. No fresh selection/appointment has been taken place after 29.12.1998 except regularization as per orders dated 21.08.2001 of the Hon'ble Central Administrative Tribunal; &

4. She does not possess the essential academic qualification and statutory process of selection as per the revised recruitment rules to the Group 'D'

posts (now Group 'C'). Moreover, the nature of work entrusted to her is also not same to the regular employees.

Whereas having regard to the above facts and circumstances of the case together with the relevant recruitment rules, the claim of Smt. Raj Rani for "Permanent Status" is devoid of any merits and accordingly stands disposed off.

I order accordingly and also directed the Establishment In-charge to continue the payments of wages to Smt. Raj Rani in accordance to this office order dated 29.12.1998 referred to above till further orders."

10. From the above it is quite clear that the applicant was granted the benefit of scheme of temporary status vide order dated 29.12.1998 with certain terms and conditions as envisaged in the said order. Now by filing the instant OA, the applicant is seeking grant of benefit of judgment of this Tribunal in OA No.2101/2001, which was disposed of vide Order dated 21.8.2001, on the ground that she is senior to the applicants in the said OA. However, the respondents in their reply have categorically stated that the applicants in the said OA were not juniors to the applicant rather they were senior to the applicant in the instant OA, which fact has not been disputed by the applicant by adducing any evidence on record. As such in view of above, so far as the claim of the applicant that she is senior to those persons, who were applicants in the OA No.2101/2001, is not sustainable in the eyes of law.

11. It is also relevant to mention that respondents have categorically stated that “No fresh selection/appointment has been taken place after 29.12.1998 except regularization as per orders dated 21.08.2001 of the Hon’ble Central Administrative Tribunal” and also the fact that the applicant does not possess the essential academic qualification and statutory process of selection as per the revised recruitment rules to the Group ‘D’ posts (now Group ‘C’), this Court does not find any illegality in the impugned order.

12. In the result, and for the reasons stated hereinabove, this Court does not find any reason to interfere with the impugned order. Accordingly, the present OA is dismissed. There shall be no order as to costs.

**(S.N. Terdal)**  
**Member (J)**

**(Nita Chowdhury)**  
**Member (A)**

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