

**Central Administrative Tribunal
Principal Bench**

OA No.441/2013

New Delhi, this the 4th day of April, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Mohd. Jamshed, Member (A)**

Mrs. Babita, Aged about 42 years,
W/o Sh. D.K. Goswami,
R/o C-2/14, 2nd Floor,
Rana Pratap Bagh, Delhi. ... Applicant

(By Advocate: None)

Versus

Government of NCT of Delhi and Ors. through;

1. The Chief Secretary,
Delhi Secretariat,
Players Building, IP Estate,
New Delhi-2.
2. The Secretary,
Govt. of NCT of Delhi,
Directorate of Social Welfare,
Delhi Gate, Delhi. ... Respondents

(By Advocate: Shri Ujjwal K. Jha)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant states that she was appointed as Anganwadi worker on 04.10.1985. In July 2007, the respondents issued advertisement for appointment to

the post of Supervisors on contractual basis. The applicant responded to the same and was appointed on 31.08.2007 for a period of six months. The applicant filed the OA No.1184/2010 with a prayer to direct the respondents to regularise her services. The OA was disposed of on 11.11.2010 directing that the applicant cannot be replaced except by a regularly appointed candidate.

2. It is stated that the applicant made representation in the year 2012 for regularisation and still no action has been taken thereon. This OA is filed with a prayer to direct the respondents to regularise the services of the applicant or in the alternative, to conduct selection process in accordance with rules, to fill 25% of posts by Aanganwadi workers and to consider her case.

3. The respondents filed a detailed counter affidavit. Placing extensive reliance upon the judgment of the Supreme Court in ***State of Karnataka & Ors. v. Uma Devi*** 2006 4 SCC 1, they submit that the question of regularizing the services of contractual employees does not arise. It is also stated that regular appointment to the post of Supervisor can be made only in accordance

with the Recruitment Rules and, the appointment of the applicant was only a stop gap arrangement. Other contentions are also urged.

4. The OA is being listed for hearing for the last several occasions. There was no representation for the applicant. The same is the situation today also. Since it is one of the oldest cases, we have perused the record and proceed to dispose of the case, on merits, as provided for under Rule 15 of the CAT (Procedure) Rules.

5. We heard Shri Ujjwal K. Jha, learned counsel for the respondents and perused the record.

6. Admittedly, the applicant was engaged on contractual basis in the year 2007 for a period of six months, on a consolidated salary. There are separate recruitment rules for the post of Supervisor. For one reason or the other, the respondents have not undertaken regular appointments to that post.

7. We find it difficult to accede to the request of the applicant for regularisation of her services. The reason is that when the notification itself was for contractual

appointment and the prescribed selection process was not followed, the question of regularization does not arise. It is a different matter that as and when regular appointment takes place, the applicant can claim the benefit of relaxation of age, if otherwise permissible under the law, in force.

8. We therefore, dispose of the OA, directing the respondents that as and when they undertake steps for regular appointment to the post of Supervisor, the case of the applicant for relaxation of age limit shall be considered, if otherwise permissible in law.

There shall be no order as to costs.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/