

(2021) 01 CAT CK 0025

In the Central Administrative Tribunal

Case No : Original Application No. 12 Of 2021, Miscellaneous Application No. 22, 21 Of 2021

Pankaj Kumar & Others

APPELLANT

Vs

East Delhi Municipal Corporation

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Citation : (2021) 01 CAT CK 0025

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Meghna De, R. K. Jain

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicants state that they are working as Primary Teachers on contractual basis in the East Delhi Municipal Corporation for the past about 10

years. They filed this O.A. with a prayer to direct the respondents to regularize their services. They contend that the respondents are extending their

services year after year with certain intervals and there is every likelihood of their being displaced as and when the teachers are appointed on regular

basis. Reference is made to instances of regularization being made by various organizations, as well as to judgment of Honâ??ble Supreme Court in

Secretary, State of Karnataka & others v. Umadevi & others, (2006) 4 SCC 1.

2. We heard Ms. Meghna Dey, learned counsel for applicant and Mr. R K Jain, learned counsel for respondents at length.

3. The applicants, no doubt, are being engaged as teachers on contract basis from time to time and they have worked for almost a decade. The fact,

however, remains that regular selections are also taking place year after year and the applicants either did not take part, or were not successful therein.

4. In *Umadevi's* case (supra), the Honâble Supreme Court, in fact, deprecated the practice of engaging employees on contractual basis against regular vacancies. It was directed that as a one-time measure, scheme be framed for regularization of contractual employees working against the regular vacancies. This, however, was subject to the condition that such employees possess the prescribed qualifications and they are also subjected to selection process. The benefit given to them was in the form of relaxation of age limit, in case they have crossed the maximum age, prescribed under the advertisement or the Rules. Had the applicants approached the Tribunal claiming the benefit of relaxation of age limit to enable them to participate in the selection process, things would have been different altogether. They did not choose to do so. The en bloc regularization of the services of the contractual employees as soon as they complete 10 years of engagement, is something unknown to law. The uniform practice has been to direct the respondents to consider the feasibility of framing a scheme for regularization of employees, if necessary, by granting relaxation of age limits. The applicants are not able to point out that there existed any separate scheme for regularization of the contractual teachers.

5. We, therefore, find it difficult to grant the relief in the form of regularization. This much, however, can be said that in case the respondents frame a scheme for regularization of contractual teachers, the cases of the applicants shall also be considered. We also direct that in case the applicants intend to take part in the regular selection for teachers, the benefit of relaxation of age limit to the extent permissible in law, shall be extended to them.

6. The O.A. is accordingly disposed of.

7. All the pending M.As. shall stand disposed of. There shall be no order as to costs