



DEPARTMENT OF WOMEN & CHILD DEVELOPMENT  
G.N.C.T. OF DELHI  
1st FLOOR, MAHARANA PRATAP ISBT BUILDING,  
KASHMERE GATE, NEW DELHI-110006

F.13(154)WCD/ADMN/OA No. 2835/2023/CAT/

Dated :

ORDER

In compliance of Order dated 18/09/2023 passed by the Hon'ble CAT in OA No. 2835/2023 titled "Shiv Sahai Gupta & Ors. Vs. GNCTD & Ors.",

1. Whereas, the applicant namely Shiv Sahai Gupta & 41 Ors. filed Original Application under section 19 of the Administrative Tribunals Act 1985 bearing O.A. No. 2835/2023 before the Hon'ble CAT, Principal Bench, New Delhi and has sought relief for Regularization of the services of the petitioners from the date of initial appointment with consequential benefits OR seeking direction to the respondents to grants minimum of regular pay scale and other allowance to the applicants as applicable to the regular House Father / House Mother from the date of initial appointment and to pay the consequential arrear (in the alternate, if Prayer A is not allowed).
2. Whereas, the Hon'ble CAT, Principal Bench, New Delhi on 18.09.2023, while considering the matter disposed of the case with the following direction: -

*"In view of the averments made by both the counsels, the present OA is disposed of without going into the merits of the case, with direction to the respondents to consider detailed representation filed by the applicants and decide the same by passing a reasoned and speaking order within a period of 45 Days from the date of receipt of such representation."*

*The OA is disposed of in the above manner. No order as to costs."*

3. Whereas, the claim of the petitioners in their various representations dated 03.10.2023 submitted in this office was to regularize their services on the post of House Father/House Mother on the plea that they have completed more than 10 years of continuous work.

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4. Whereas, the background of this case reveals that an advertisement was published by the Deptt. of Women & Child Development in the year 2012 for contractual appointment of House Father/House Mother through Walk-in-Interview alongwith some other posts. The required essential educational qualification for the post of House Father/House Mother was **Sr. Secondary with desirable 1 year experience in the field**. Accordingly, Letter of offer for engagement on contract Basis to the post of House Father/House Mother on consolidated remuneration of Rs. 12540/- per month was issued to Sh. Shiv Sahai Gupta & Ors. with following terms & conditions:-
- i. This engagement on contract basis will not confer any right to regular appointment to the post and may be terminated even when a regular post is lying vacant.
  - ii. The contractual engagement is purely on temporary basis and it can be terminated by the Employer during the currency of the agreement without assigning any reason or giving any notice.
  - iii. The Contractee will not be entitled to any other financial benefits viz allowances, perks, bonus, medical reimbursement etc. other than the monthly remuneration (tax will be deducted at source, if necessary) as mentioned above.
5. Whereas, on accepting the above terms & conditions, the petitioners were engaged against the post of House Father/House Mother on contract basis initially for a period up to 31.08.2013 which has been extended from time to time with the approval of Finance Department, GNCTD. The petitioners are still working in this department and the proposal for further extension up to 31.03.2024 or till regular appointment is made, is under submission of the Competent Authority.
6. Whereas, after separation of cadre control of this department from the Department of Social Welfare in the year 2020, the department of WCD has framed its own Recruitment Rules for the post of House Father/House Mother/Matron wherein the required essential qualification for direct recruits is prescribed as **Graduation from a recognized University with Sociology or Social work or Psychology or Child Psychology or Criminology** as a subject. Hence, there is a huge difference in required essential educational qualification for the said post than that of contractual engagement.

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7. Whereas, this department has already sent requisitions to the DSSSB for recruitment of regular incumbents against the vacant post of House Father/House Mother/Matron under direct recruitment through open competition wherein the provision of age relaxation has been kept for the Contractual House Father/House Mother/Matron as per govt. guidelines. Therefore, contractual employees/Applicants working against the said post may avail the advantage of age relaxation for appearing in the open examination.
8. Whereas, the Hon'ble Supreme of India also in a three Judge Bench Judgment rendered in case titled Umarani Vs Registrar, Cooperative Societies and Others (2004 (7) SCC 112) has held that regularization is not and cannot be mode of recruitment by any State within the meaning of Article 12 of the Constitution of India or anybody or authority governed by a statutory Act or the rules framed there under. Regularization furthermore cannot give permanence to an employee whose services are ad hoc in nature. It was also held that the fact that some person had been working for a long time would not mean that they had acquired a right for regularization.

Therefore, the claim/representation of the applicants has been considered with due diligence in view of the order dated 18.09.2023 passed by the Hon'ble CAT, Principal Bench, New Delhi in OA No. 3825/2023 titled Shiv Sahai Gupta & Ors Vs Govt. of NCT of Delhi and has been found devoid of any merit for the aforesaid reasons and is accordingly, rejected.

  
11/12/23  
Joint Director (Admn.)

F.13(154)WCD/ADMN/OA No. 2835/2023/CAT/ 14-397-401


Dated :

05 DEC 2023

Copy forwarded for information to: -

1. OSD to Chief Secretary, Govt. of NCT of Delhi, Delhi Sectt., I.P. Extension, Delhi-02.
2. PS to Secretary, Deptt. of W & CD, ISBT Bldg., Kashmere Gate, Delhi.
3. PS to Director, Deptt. of W & CD, ISBT Bldg., Kashmere Gate, Delhi.
4. All applicants as per list enclosed.

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11/12/23  
Joint Director (Admn.)