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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13069/2018, CM APPL. 50780/2018-Stay

NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Ms. Namrata Muhim, Adv.

versus

KRISHNA KUMARI Respondent

Through: Ms. Meghna De and Ms. L. Gangmei,
Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

17.05.2024

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1. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 23.07.2018 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 644/2012. Vide the impugned order, the learned Tribunal has allowed the original application filed by the respondent/applicant and has consequently directed the petitioner to regularise the services of the respondent with effect from her initial date of joining i.e. 23.12.1991 and pay her all consequential benefits.

2. We find that, while passing the impugned order, the learned Tribunal has taken note of the fact that it was the own case of the petitioner that since the respondent had been diligently discharging services for the last twenty-



seven years, they had decided to seek one time relaxation qua her age and experience as per the Recruitment Rules.

3. In support of the petition, learned counsel for the petitioner submits that though the petitioner is agreeable to grant the requisite relaxation to the respondent in respect of her age and experience, under the Recruitment Rules, consultation with the UPSC is mandatory before grant of any relaxation. She submits that the petitioner had in 2010 itself approached the UPSC which in turn directed the petitioner to seek the opinion of the DoPT. However, the DoPT instead of giving any opinion advised the petitioner to seek the opinion of Ministry of Law and Justice. Consequently, in compliance with the directions issued by the DoPT, the petitioner approached the Ministry of Law and Justice in May, 2011 but has till date not received any response from the Ministry. She therefore contends that the petitioner cannot be faulted for not granting the requisite relaxation to the respondent.

4. Having considered the submissions of learned counsel for the petitioner and perused the communications exchanged between the petitioner, UPSC, DoPT and the Ministry of Law and Justice, we find that as per the Recruitment Rules, the petitioner was empowered to grant relaxation after consultation with the UPSC. There is a provision in the Recruitment Rules for consulting any other agency and therefore we are of the view that under the Rules there was no requirement for the petitioner to seek concurrence of the DoPT or the Ministry of Law and Justice. Be that as it may, since the petitioner has already taken all steps to approach the DoPT and the Ministry of Law and Justice as directed by the UPSC but has received no response from either of them, in these circumstances and



specially taking into account that the UPSC as such did not raise any objection qua the petitioner's proposal for the grant of relaxation to the respondent, we are of the view that the learned Tribunal was justified in directing the petitioner to regularise the respondent.

5. Furthermore, we are informed that the respondent has while awaiting her regularisation, already superannuated after rendering more than 30 years of service. We are therefore of the view that no interference is called for with the impugned order at this stage, when all that the respondent will as a consequence of her regularisation, receive some additional monetary benefits.

6. We therefore find no reason to interfere with the impugned order. The writ petition, being meritless, is accordingly dismissed.

7. The petitioner shall comply with the order of learned Tribunal within eight weeks from today.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 17, 2024/rr