

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 937/2002

New Delhi, this the 4th day of September, 2002

Hon'ble Shri M. P. Singh, Member (A)  
Hon'ble Shri Shanker Raju, Member (J)

1. Anand Prakash  
Village & PO Bankner, Delhi
2. Kaptan Singh Khokhar  
326, Gali No.10  
Swatantra Nagar, Narela, Delhi
3. Ajit Singh  
145, Naya Bans, Delhi

.. Applicants  
(Shri S. K. Gupta, Advocate)

versus

Govt. of NCT of Delhi, through

1. Chief Secretary  
Delhi Sectt., Delhi
2. Director of Education  
Old Sectt., Delhi
3. Dy. Director of Education (Sports  
Chattarsal Stadium  
Model Town, Delhi

.. Respondents  
(Shri Rajan Sharma with Shri Ashwani Bhardwaj,  
Advocates)

ORDER (oral)  
Shri M. P. Singh, Member (A)

Applicants have earlier filed OA Nos. 2010/2000 and 206/2000 seeking regularisation of their services as Coaches and the same were disposed of by a common judgement by the Tribunal on 18.4.2001 directing the respondents to frame a well thought-out scheme for the appointment and regularisation of coaches, providing, inter alia, for the possibility of re-engagement/regularisation of the services of the applicants by relaxing the age criterion by the number of years each one of them has served the respondent-authority.

2. Since the applicants have repeated the same facts in the present OA which have already been discussed by the Tribunal in its judgement dated 18.4.2001 (supra), we do not deem it necessary to discuss them again. By the present OA, the applicants have challenged the Special Scheme framed by the respondents purported to be in pursuance of the directions of this Tribunal (supra) mainly on the ground that the same has not been framed in pursuance of the directions of the Hon'ble Supreme Court in case of State of Haryana Vs. Piara Singh, 1992 SCC (L&S) 825 as also that of Jacob M. Puthu Parambil & Ors. Vs. Kerala Water Authority, 1991 SCC (L&S) 25. It is further contended by them that the Scheme has been framed without application of mind and that it is very difficult to have 365 days service in a year as stipulated therein.

3. We have heard the learned counsel for the parties and have also gone through the reply filed by the respondents but we are not satisfied with the grounds taken by the respondents in not framing a well-thought out scheme as spelt out by the Tribunal in its order dated 18.4.2001 (supra).

4. In view of this position, we quash and set aside the Special Scheme (Annexure A-1) and direct the respondents to reframe a well thought-out Scheme keeping in view the aforesaid directions of this Tribunal as also the judgements of the apex court cited supra, as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order and till then the services of the applicants will not be terminated. Respondents are also directed to make payment of the salary to the applicants for the period they have actually worked immediately, if not already done. No costs.

S. Raju  
(Shanker Raju)  
Member (J)

M. P. Singh  
Member (A)