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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. No.227/2002
C.P. No.242/2002
C.P. No.476/2002
IN
OA 32/2002

New Delhi, this the 25th day of April, 2003

HON'BLE SHRI KULDIP SINGH, MEMBER (J)
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

C.P. No.227/2002

1. Sanjiv Lochan Gupta
S/o Shri V.P. Gupta,
Lecturer, Automobile Engineering,
Pusa Polytechnic, Pusa,
New Delhi.

R/o WZ-229-B, Inderpuri,
New Delhi
2. Manish Kumar
S/o Dr. Rajvir Singh,
Lecturer, Automobile Engineering,
Pusa Polytechnic, Pusa,
New Delhi.

R/o 4, Ramakrishna Colony,
Model Town,
Ghaziabad.
3. Dharamveer Singh
S/o Shri Dalbir Singh
Lecturer, Automobile Engineering,
Pusa Polytechnic, Pusa,
New Delhi.

R/o 372 (411), St. No.2,
Subhash Nagar,
Meerut.

....Petitioners

(By Advocate : Shri K.N.R. Pillay)

Versus

1. Shri Narendra Prasad,
Director-cum-Secretary,
Directorate of Training & Technical Education,
Muni Maya Ram Marg,
Pitampura,
Delhi - 110034.
2. Shri V. Narayanan,
Principal,
Pusa Polytechnic, Pusa,
New Delhi.

....Respondents

(By Advocate : Shri George Paracken)

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C.P. No.242/2002

1. Tarvinder Rana
 S/o Shri B.S. Rana,
 Lecturer, Civil Engineering,
 G.N.D. Polytechnic, Delhi.

R/o 560, Pana Begwan,
 Village Bawana, Bawana,
 Delhi - 110039.

2. Ram Vinod Singh
 S/o Shri J.N. Singh
 Lecturer, Civil Engineering,
 Pusa Polytechnic, Pusa, New Delhi.

R/o D-14/83, Sector-III,
 Rohini, Delhi.

....Petitioners

(By Advocate : Shri K.N.R. Pillay)

Versus

Shri Narendra Prasad,
 Director-cum-Secretary,
 Directorate of Training & Technical Education,
 Muni Mayaram Marg, Pitampura,
 Delhi - 110034.

....Respondent

(By Advocate : Shri George Paracken)

C.P. No.476/2002

Sunil Bist
 S/o Shri K.S. Bist,
 Lecturer, Electronics Engineering,
 G.N.D. Polytechnic, Delhi.

R/o 1449, Gulabi Bagh,
 Delhi - 110017.

....Petitioner

(By Advocate : Shri K.N.R. Pillay)

Versus

Shri Narendra Prasad,
 Director-cum-Secretary,
 Directorate of Training & Technical Education,
 Muni Mayaram Marg, Pitampura,
 Delhi - 110034.

....Respondent

(By Advocate : Shri George Paracken)

O R D E R

BY SHRI KULDIP SINGH, MEMBER (J) :

By this common order we will decide three CPs
 which are numbered as CP Nos. 227, 242 and 476 of 2002
 in OA 32/2002.

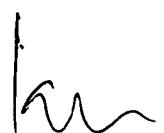
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2. All these CPs have arisen out of OA No. 32 of 2002. All these applicants were applicants in OA 32/2002. The applicants are alleging contempt against the respondents as they had not followed the directions given in the interim order dated 7.1.2002. The case of the applicants are they had been employed as Lecturers in various Polytechnics established by the Government of NCT of Delhi in the Department of Training and Technical Education. Their services had been continued for quite a long period by giving breaks at regular intervals. The OA was filed seeking a direction that from the date of their first appointment they should be granted the same pay scales and allowances and the same benefit of leave and other services conditions as are applicable to Lecturers appointed on regular basis and they should be continued in service without any break till regular appointments are made. It was also prayed that when regular recruits become available, the would be appointees should be first posted in the vacant posts and only after the vacant posts are filled up, the applicants should be replaced.

3. When the OA was filed the applicants had also made a prayer for interim relief, which was granted in the following terms:-

" Having regard to the aforesaid claim, we direct issuance of notice returnable on 21.1.2002. Until further orders, services of the applicants will not be replaced by similarly appointed lecturers on ad hoc basis. However, their continuance will not come in the way of regular appointment. Services of the applicants will be continued so long as jobs are available for them. In case applications are invited for regular appointment, claims of the applicants will be considered by giving age relaxation to the extent of service rendered".



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4. The OA has been finally decided vide order dated 17.1.2003. The OA in respect of Shri Sunil Bist, one of the applicants in the CP and one of Shri Chander Kumar Senapati had been dismissed.

5. With regard to other applicants it was directed that they should be continued till such time regularly appointed Lecturers in accordance with the Recruitment Rules join the posts against the discipline they were working.

6. The grievance of the petitioners is that despite the interim orders the petitioners have not been paid salary for the month of June, 2002 and for the months of July and August, 2002 which shows that their unwillingness to comply with the orders of the Tribunal and to harass the petitioners for seeking a relief through this Tribunal. Thus it is prayed that the respondents have committed the contempt of the court and they should be summoned and punished.

7. The respondents in their reply submitted that as far the case of Sunil Bist is concerned, Shri Bist was working as contractual lecturer in Digital Electronics and was posted in Guru Nanak Dev Polytechnic and had been paid remuneration upto 31.5.2002. Thereafter the institution closed for vacation from 1.6.2002 to 28.7.2002 and after that no vacancy was available in the said institute. The vacancy against which Shri Sunil Bist was working had been filled up through the UPSC selected candidate, so no work was assigned to him in



Guru Nanak Dev Polytechnic. However, in deference to the orders passed by the Tribunal services of Shri Sunil Bist was not terminated.

8. As regards the case of Shri Sanjeev Lochan Gupta, Manish Kumar and Dharam Veer Singh is concerned it is submitted that there were summer vacation from 1.6.2002 to 28.7.2002 and since no teaching assignment was given to any of these, they were not paid during the said period. However, for the period they had worked, they were paid and the details of payments made to them have been given in the additional affidavit filed by the respondents to the CPs.

9. It is further submitted that odd semesters terminated on 15.11.2002. Therefore, no teaching work was assigned from 16.11.2002 as the students were appearing for Board Examination and were on Winter vacation from 16.12.2002 to 5.1.2003. Therefore, between 16.11.2002 to 31.12.2002 no payment has been made as no teaching work could be assigned to them.

10. As regards the case of Shri Tarvinder Rana, Contractual Lecturer is concerned, it is submitted that he was working in GND Polytechnic, as Lecturer and was assigned some teaching work only between January to May so services of Sh. Tarvinder Rana were utilised upto 31.5.2002 and he has been paid upto the said period. However, there was no work for Lecturer during the said period in his discipline as such no payment was made

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during the said period. But he was not given any notice of termination in deference to the interim directions of this Tribunal.

11. It is further submitted that since the OA has been disposed of and it has been observed that the vacancies of Lecturers in Civil Engineering has been notified to UPSC for filling up, and as the vacancies are inter alia available at Pusa Polytechnic, the respondents transferred Shri Tarvinder Rana to Pusa Polytechnic w.e.f. 30.1.2002 and he will be paid remuneration for utilization of his service at Pusa Polytechnic from that date.

12. In the case of Sh. Ram Vinod Singh it is submitted that he is working as Lecturer on contract basis in Pusa Polytechnic and payments have been made to him upto 31.5.2002. As the institute remain closed for vacation from 1.6.2002 to 28.7.2002, no payments were made to him for the said period. However, he was paid from 29.7.2002 to 6.9.2002, 27.9.2002 to 31.10.2002 and 1.11.2002 to 15.11.2002. Thereafter no teaching assignment was given to him.

13. The respondents also submitted that in the matter of payments to the contractual Lecturers, as per the orders passed by this Tribunal dated 20.2.2002 in OA No.2884 of 2002 entitled as Neeraj Gautam and Others Vs. Government of NCT of Delhi and Others in which it has been clearly laid down that the payments may be made for the work actually performed during the vacation. Some of the applicants, namely, S/Shri Tarvinder Rana, Dharamvir



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Sing and Ram Vinod Singh were also applicants in the aforesaid case. So the payments have been made to them in accordance with the rights decided in the said OA. Thus there is no wilful contempt of the court rather the directions given by the Tribunal in Neeraj Gautam have been fully applied with as such no contempt has been committed.

14. We have heard the learned counsel for the parties and gone through the records of the case.

15. Since in this case the disobedience of interim order is alleged, so we will have to see as to what directions are in fact given in the interim order. A perusal of the interim order, as reproduced above, would go to show that the services of the applicants were to be continued so as long jobs are available for them and since in an earlier OA in Neeraj Gautam's case, applicants were entitled only for the period for which their services had been actually utilised. The additional affidavit filed by the respondents has given a clear picture as to for what period the services of the applicants had been utilised and for what period they had already been paid as per the guide-lines given in Neeraj Gautam's case (emphasis supplied).

16. So now the question arises whether the interim order given on 7.1.2002 can improve the service conditions of the applicants vis-a-vis their rights which had already been judicially defined in their OA entitled as Neeraj Gautam and Others. It will not be out of place to mention here that the OA of Neeraj Gautam's case had

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been finally decided whereas the order complained of in these CPs are only of an interim nature. By interim order the service conditions of applicants in the OA could not have been improved nor the interim order could have directed to pay over and above what has been finally decided in the earlier OA. The conditions of the job so long as the jobs are available for the applicants will only mean that they are to continue on the same terms and conditions and are to be paid salary in the same manner in which it has been decided in the earlier OA, i.e., of Neeraj Gautam and Others. There is no whisper in any of the CP that by not paying the wages the respondents have violated the norms of payment which were applicable to the applicants after the decision in Neeraj Gautam's case.

17. Thus we find that all the CPs are without any ground and the same have to be dismissed. Accordingly, the same are dismissed. No costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

/Rakesh/

(KULDIP SINGH)
MEMBER (J)