



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

C.P. No. 060/161/2012

O.A. No. 060/200/2012

Chandigarh, this the 29th day of January, 2020

**HON'BLE MR.SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A)**

Dr. Sujata W/o Sh. Jagbir Singh Chhilar, presently working as Assistant Professor (Economics), on contractual basis, Government Post Graduate Government College for Girls, Sector 42, Chandigarh, resident of House No. J 403, Vikram Vihar (AWHO Society), Sector 27, Panchkula-160 027.

.....Petitioner

BY ADVOCATE: **Sh. R.K. Sharma**

VERSUS

1. Shri B.L. Sharma, IAS, Secretary, Education, Union Territory, Chandigarh, Sector 9, Chandigarh-160 009.
2. Dr. Anita Kaushal, Principal, Post Graduate Government College for Girls, Sector 11, Chandigarh-160 010.

.....Respondents

BY ADVOCATE: **Sh. Aseem Rai**

ORDER (ORAL)

MR. SANJEEV KAUSHIK, MEMBER(J):-

1. The present CP has arisen out of an order passed by this court on 17.07.2012.



2. Sh. R.K. Sharma, learned counsel for the petitioner, vehemently argues that the respondent Chandigarh Administration has not fully complied with the order of this court as the petitioner has not been given wages for the period she was forcibly kept out of service i.e. w.e.f. 01.03.2012 to 10.10.2012. Learned counsel submits that the petitioner was relieved on 01.03.2012 when one Ms. Preet Kamal who was on deputation from Punjab to Chandigarh, was appointed against the post of the applicant. Feeling aggrieved by her alleged illegal termination the applicant approached this Tribunal by way of filing OA No. 200/HR/2012 on the plea that she cannot be replaced by another employee, particularly, by bringing in a deputationist, that too, in excess of the quota permissible for deputationists' in-take. This court accepted the plea raised by the petitioner and while disposing the OA on 17.07.2012, a finding was recorded in para No. 40 as follows:-

"40. In the light of the foregoing discussion, we would allow these OAs. The applicants are held entitled to continue as contractual lecturers/Assistant Professors till they are replaced by regularly appointed Lecturers/Assistant Professors or till a valid in-take of deputationists, in terms of the rule-formulation, comes about. The official respondents shall be duty-bound to repatriate the private respondents to their parent cadre forthwith. The official respondents would be obliged to consider the feasibility of filling up of the identified and unfilled regular vacancies



through UPSC and, in the meantime, to issue orders to grant to the applicant what had been invalidly denied to them, within one month of the date a copy of this order is presented in the office of the competent authority.”

3. The above order became the subject matter of judicial review in the jurisdictional High Court at the hands of both, the private respondent Ms. Preet Kamal as well as Chandigarh Administration. Both writ petitions were decided vide order dated 11.12.2017 (Annexure R-1), being infructuous as both the petitioner as well as the private respondent Ms. Preet Kamal were allowed to continue. The petitioner, in pursuance of the order of this court was reinstated w.e.f. 10.10.2012 and is still continuing on contract basis with the Department.

4. The solitary argument raised by the petitioner herein is that since she was forcibly removed from service as her services were illegally terminated to accommodate a deputationist, Ms. Preet Kamal who was appointed over and above the prescribed deputationists quota, therefore, for the period she was out of service w.e.f. 01.03.2012 to 10.10.2012, i.e. eight months, she is entitled for the wages.

5. The respondents have filed reply by way of affidavit and have submitted that immediately after the order of this court, the applicant was reinstated and on



the strength of the order passed by the High Court, Ms. Preet Kamal was also allowed to continue. The said writ petitions pending before the jurisdictional High Court were rendered infructuous as both the petitioner (Ms. Preet Kamal therein) as well as private respondent (the petitioner herein) were allowed to continue.

6. Sh. Aseem Rai, learned counsel representing Chandigarh Administration, argues that the Department cannot be penalized or burdened for paying salaries to two persons, for a single post because they have already paid to one of the persons i.e. Ms. Preet Kamal, who was allowed to continue and moreover, the petitioner was only on contract basis and she had no right to continue on the post, though, later on, she was allowed to continue by virtue of order passed by this court on the plea that contractual employees cannot be replaced by another contractual employees other than the regularly selected employees. Since the private respondent, Ms. Preet Kamal was a regular employee from the State of Punjab, the plea of the petitioner to pay her the wages for the period she did not work, cannot be accepted.

7. We have heard the learned counsel for the parties and are of the view that the respondents cannot be made to suffer financially on account of the fact that the



petitioner is a contractual employee and based on the principle of "No Work No Pay", the petitioner cannot claim the salary for the period when she did not work. The petitioner was allowed to continue only after the order of this court.

8. In view of the above, nothing survives in this CP and accordingly, the same is dismissed. Notices stand discharged.

(SANJEEV KAUSHIK)
MEMBER (J)

(NAINI JAYASEELAN)
MEMBER(A)

Dated: 29.01.2020
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