



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**CP No. 32/2020
OA No. 32/2002**

New Delhi, this the 20th day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Manish Kumar,
S/o Dr. Rajvir Singh, age 47 years,
R/o 4, Ramakrishna Colony,
Model Town, Ghaziabad, U.P.

...Petitioner

(By Advocate: Mr. Jitendra Singh)

Versus

1. Mr. Anshu Prakash,
Chief Secretary,
Government of Delhi,
Secretariat, New Delhi.
2. Shri Devender Singh,
Secretary,
Department of Training and Technical
Education, Munimaya Ram Marg,
Pitam Pura, Delhi – 110088.
3. Shri Shiv Kumar Dubey,
Dy. Director (E-1),
Department of Training and Technical
Education, Munimaya Ram Marg,
Pitam Pura, Delhi – 110088.
4. Ms. R. Sitalaxmi,
AAO/DDO,
Pusa Institute of Technology,
Pusa, New Delhi – 110012.

...Contemnors/Respondents

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman:-**

The applicant and six others were working as Lecturers on contract basis in the Department of Training and Technical Education, Government of NCT of Delhi. They approached this Tribunal by filing OA No. 32/2002 claiming relief in context of payment of the minimum of the pay scale and continuation in service, till regular appointments are made.

2. The OA was disposed of on 17.01.2003 directing that the applicants shall be paid minimum of the pay scale meant for the post of Lecturer and that except applicant No. 01 and 03 therein the remaining shall be continued till the time the Lecturers appointed on regular basis join.

3. The respondents filed a Writ Petition before the Hon'ble Delhi High Court, and it was dismissed on 25.09.2019. Before the Hon'ble Delhi High Court, it was pleaded by the respondents that the post of Lecturer in Automobile Engineering have already been filled on regular basis and in fact one



Lecturer was in excess of the sanctioned/approved strength.

4. It is stated that the applicant herein was discontinued as a contract Lecturer on 05.02.2019 by stating that there are no vacancies. The applicant filed OA No. 3239/2019 challenging the discontinuance. The OA was dismissed on 08.11.2019. It was observed that if the grievance of the applicant is about the violation of the directions issued in OA No. 32/2002, the remedy for him is to file a CP. Accordingly, the present CP is filed.

5. We heard Mr. Jitendra Singh, learned counsel for the petitioner at length.

6. The directions issued by this Tribunal in OA No. 32/2002, read as under:-

“..20. Resultantly, we dispose of the present application with the following directions:-

- (a) The applicants would be entitled to the pay scale of the regularly appointed Lecturers. However, they would be paid the minimum of the scale of the post of Lecturer. The arrears would only be confined to the date of filing of this application.
- (b) The application in respect of Shri Sunil Bist, Applicant No. 1 and Shri Chander Kumar Senapati, applicant No. 3 is dismissed.
- (c) Other application would continue till such time regularly appointed Lecturers in accordance with



the recruitment rules join the posts against the discipline with which they were working.”

7. What becomes relevant, is the direction contained in sub para (c) of Para 20. Therefore, it is to be seen, as to whether, any appointments on regular basis were made. The applicant filed CM No. 6147/2019 in the Writ Petition, complaining about the discontinuance through order dated 05.02.2019. The CM was disposed of with liberty to approach this Tribunal. It is relevant to mention that in the reply filed in CM No. 6147/2019 the respondents have categorically stated that there are no vacancies. The Para 08, 09 and 10 of the reply read as under:-

“...8. That on 09.07.2009 a requisition was sent to UPSC to fill up remaining 07 posts of Lecturer Automobile Engineering, which was advertised by UPSC on 27.03.2010. However, vide order dated 07.04.2011, 03 posts of Lecturer (Automobile Engg.) were abolished (GB Pant poly 02 and Pusa Poly. 01). Accordingly, total sanctioned posts for the said trade remained as 15.

8. That in response to the requisition sent by the DTTE, UPSC vide letter dated 10.03.2011 recommended 07 candidates in Lecturer Automobile Engineering though the available sanctioned posts in the department were 04 only. At that juncture appointment orders 21.04.2011 were issued at the level of E-I branch to all the 07 candidates joined in DTTE (HQ), who were subsequently posted in various polytechnics as per detail given below:



S. No.	Name of Lecturer	DOB	DOJ	Place of Posting
1.	Lalit	24.10.80	04.10.2011	Pusa
2.	Deepak	10.01.83	24.10.2011	G.B. Pant
3.	H. Rama Murthy	20.05.84	25.10.2011	G.B. Pant
4.	Naveen Kumar Garg	16.07.73	01.11.2011	G.B. Pant
5.	Anil Kumar	01.03.72	15.02.12	Pusa

10. That against the sanctioned strength of 15 Lecturers in Automobile Engineering 16 lecturers are working on regular basis in the department since 2011-12. In addition to above 16 regular vacancies, two contractual lecturers in Automobile Engineering namely Sh. Manish Kumar (working in PIT) and Sh. Sanjay Kumar (working in GB Pant) were also working in the department. As per available record Sh. Manish Kumar Joined in DTTE in the year 1998-1999 in the discipline of Automobile Engineering and Sanjay Kumar was appointed as Contractual lecturer in Automobile Engineering vide order dated 16.08.2011 issued by Deputy Director E-I, despite the fact that 07 regularly selected lecturers against the available 04 posts in the said trade, had already been issued appointment letter dated 21.04.2011.”

8. From this it is evident that the Lecturers, appointed on regular basis were in excess of the sanctioned/approved strength. The applicant and another contract Lecturers were also working. It is in those circumstances, that the order dated 05.02.2019 was issued.



09. We do not find any violation on the part of the respondents in relation to the order passed in the OA. Accordingly, the Contempt case is closed.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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