

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA 2601/2001

New Delhi, this the day of 8th February, 2002.

Hon'ble Shri Govindan S. Tampi, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Miss Usha Rani
D/o Late Shri Ram Dayal
H-527, Kali Bari Marg,
New Delhi-110001.

...Applicant.

(By Advocate: Shri P.S.Mahendru)

Versus

1. Govt. of N.C.T. of Delhi through
Secretary(Revenue)
Old Secretariate,
Delhi.
2. Commissioner of Sales Tax,
Govt. of N.C.T. of Delhi
Bikri Kar Bhawan,
New Delhi-2.
3. Assistant Commissioner (Admn.)
Sales Tax Department,
Govt. of N.C.T. of Delhi
Bikri Kar Bhawan,
New Delhi-2

...Respondents.

(By Advocate: Mrs. Avnish Ahlawat with
Shri Mohit Madan)

O R D E R (ORAL)

By Hon'ble Govindan S.Tampi, Member(A)

Heard Shri P.S.Mahendru and Mrs. Avnish Ahlawat with Shri Mohit Madan, learned counsel for the applicant and respondents respectively.

2. Challenge in this OA is directed against the orders served on the applicant on 27.9.2001 to the effect that her services were no longer required.

3. Applicant who was sponsored by the Employment Exchange for the post of Data Entry Operator was called by Respondent No.3 to appear in the test on 20.1.2001. After the test, she was appointed to the said post on contract basis for a period of 179 days at the consolidated fee of Rs.4000/-. The said period was expired on 10.8.2001.



Thereafter, her services were extended from time to time and last extension was ordered on 13.7.2001 for a period of 60 days from 30.7.2001 to 27.9.2001, on which date her services were discharged. Learned counsel for applicant pleads that there are clear vacancies of Data Entry Operator in the respondents' organisation and the work was of perennial. Therefore, respondents' move to discharge the services of the applicant was incorrect. Rebutting the pleas made by the applicant and reiterating submissions in their counter, Mrs. Avnish Ahlawat, learned counsel for the respondents points out that the applicant was engaged by the respondents as 'Data Entry Operator' purely on contractual basis, initially for a period of 177 days. Her engagement was purely temporary in nature since the department was in need of Computer literate staff and the workload in the department had temporarily increased. Once the said workload, the contractual employees were correctly discharged. Existing vacant posts of DEOs will be filled up by the Cadre Controlling Authority i.e. Planning and Services Departments. Further the vacancies can also be filled up by DEO's in other Departments so long as the respondents have not replaced the applicant by another contract employee. The applicant has no case and the OA has to be dismissed, plead the respondents.

4. We have carefully considered the matter and have perused the records. It was clear from the beginning that the engagement of the applicant was clearly on contract basis for a fixed period. The fact that the term of the contract was extended by two months did not at all vest any right to the applicant for continuation, as is being claimed. As long as the



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applicant has not been replaced by another contract employee, she has no case. Her disengagement was legal and cannot be assailed. We are fortified in our decision by the findings of the Hon'ble Apex Court that a contract employee for a project cannot claims continuation after the completion of the project/contract. In the result, the OA fails and is accordingly dismissed. No costs.

S. Raju

(SHANKER RAJU
MEMBER (J))

/kd/

(GOVINDAN S. TAMPI)
MEMBER (A)

IN THE HIGH OF DELHI AT NEW DELHI

No. 8900/7/DHC/Writs-RKP/2013

Dismissed in default

17/8/13

Copy of Order

From: 19.8.13

The Registrar (General)
Delhi High Court
New Delhi

To

Petitioner:- Gurmail Singh S/o Shri Giyan Singh R/o H.No.BE/287, Hari Nagar, New Delhi-64

(Through its L.R.'s)

1. Petitioner No.1:- Paramjit Singh Gill S/o Late Sh. Giyan Singh R/o H.No. BE/287, Hari Nagar, New Delhi-64.
2. Petitioner No.2:- Baldev Singh Gill S/o Late Sh. Giyan Singh R/o H.No.BE/287, Hari Nagar, New Delhi-64.
3. Commissioner of Police Delhi, Delhi Police Headquarters, MSO Building, I.P.Estate, New Delhi.
4. Deputy Commissioner of Police, West Distt. Police Station, Rajouri Garden, New Delhi.
5. The Registrar, Central Administrative Tribunal, Principal Bench Copernicus Marg, New Delhi.

Petition against order dt.22.05.1996 in O.A.No.2601/1991, MA No.2261 & 2263/95

CIVILWRIT PETITION No.1920/2002

Gurmail Singh & Ors

PETITIONERS

Verses

Commissioner of Police & Ors

RESPONDENTS

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of order dated 12.08.2013 passed by DIVISION BENCH of this court in the above noted case alongwith a copy of memo of parties.

Please acknowledge receipt.

Yours faithfully

Amr 14/8/13

Admn.Officer Judl.(Writs)

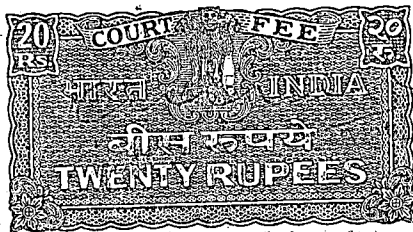
for Registrar General

Baru
14-8-13

CAT (PB), New Delhi
Receipt No. 12337
Date 14/8/13

Receiving Officer

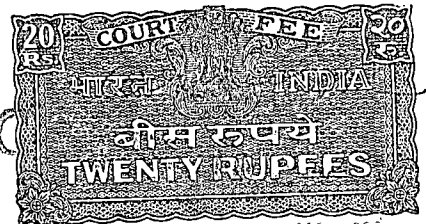
VS
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IN THE HIGH COURT OF DELHI AT NEW DELHI.

C.W.P. 1490 of 2002

MEMO OF PARTIES



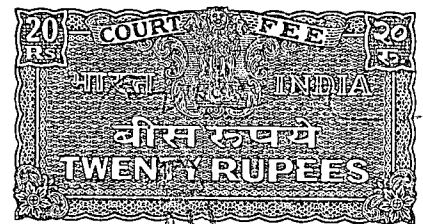
In The Matter of :-

Gurmail Singh s/o Shri Giyan Singh

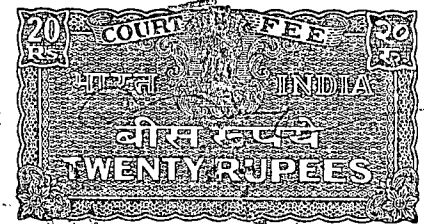
R/o H.No. BE/287, Hari Nagar, New Delhi – 64Petitioner

(Through its L.R.'s)

1. Paramjit Singh Gill s/o Late Sh. Giyan Singh
r/o H.No. BE/287, Hari Nagar, New Delhi – 64.

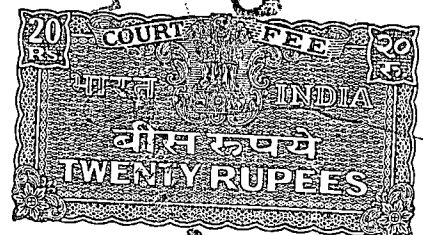


2. Baldev Singh Gill s/o Late Sh. Giyan Singh
r/o H.No. BE/287, Hari Nagar, New Delhi – 64.



Vs

1. Commissioner of Police Delhi,
Delhi Police Head Quarter,
MSO Building, IP Estate,
New Delhi.



2. Additional Commissioner of Police
(Southern Range) New Delhi, Delhi Police Head Quarter,
MSO Building, IP Estate,
New Delhi.

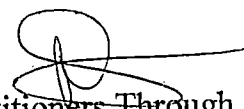
3. Deputy Commissioner of Police
West Distt. Police Station,
Rajouri Garden,
New Delhi.

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4. The Registrar,
Central Administrative Tribunal : Principal Bench,
Copernicus Marg, Farid Kot House,
New Delhi. Respondents

New Delhi

Date : 29-1-2002


Petitioners Through

R.K. Shukla Advocate

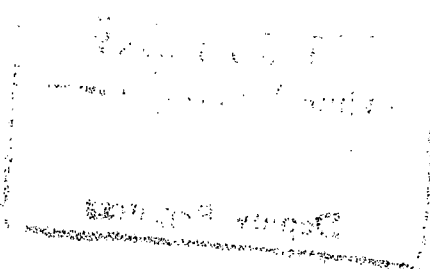
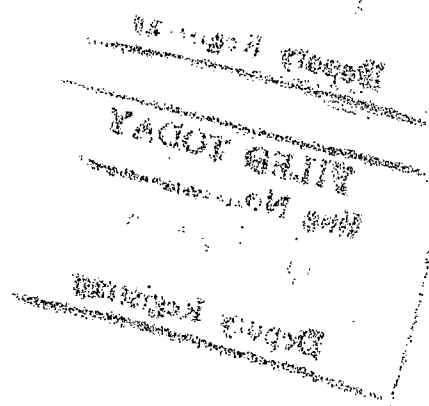
Counsel for the Petitioners

C.A.T. Bar Room,

Copernicus Marg,

Farid Kot House,

New Delhi.



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 1920/2002

GURMAIL SINGH THR. LRS.

..... Petitioners

Represented by: None

versus

COMM. OF DELHI POLICY & ORS.

..... Respondents

Represented by: Ms.Ruchi Sindhwani, Advocate
with Ms.Bandana Shukla,
Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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12.08.2013

1. The original applicant before the Tribunal was Gurmail Singh who was dismissed from service. Original Application No.2601/1991 was pending when he died on December 09, 1993. His mother who was the class I heir did not file any application for substitution. She died on June 26, 1995. Her other two sons who were the brothers of Gurmail Singh sought substitution which was denied as per the impugned order.
2. Concededly the reason recorded by the Tribunal that wife of Gurmail Singh was still alive is wrong inasmuch as a divorce has been obtained by Gurmail Singh from Taranjeet Kaur.
3. The issue would be whether the applicants would be entitled to be impleaded as legal heirs of the deceased Gurmail Singh who died on

W.P.(C) 1920/2002

Page 1 of 2

December 09, 1993 and the application for being brought on record was filed after over a year and a half.

4. Be that as it may, since none appears for the petitioners at the hearing today we dismiss the writ petition in default.

5. No costs.


PRADEEP NANDRAJOG, J.


V. KAMESWAR RAO, J.

AUGUST 12, 2013
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