

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.1621/99

and

O.A.1622/99

New Delhi this the 16th day of November, 1999.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)

Hon'ble Smt. Shanta Shastry, Member (A).

OA-1621/99:

1. Ms. Vandana Joshi
D/o Mr. R.P. Joshi,
R/o C-45, Mandakini Apartments,
Pitam Pura, Delhi-110034.

2. Ms. Archana Joshi,
D/o Mr. R.P. Joshi,
R/o C-45, Mandakini Apartments
Pitam Pura, Delhi-110034.

... Applicants

(By Advocate Shri M.K. Gupta)

Versus

Govt. of National Capital Territory of
Delhi through its Director of Education,
Old Secretariat,
Delhi-110054.

... Respondents

(By Advocate Sh. Vijay Pandita)

OA-1622/99

1. Ms. Manju
W/o Sh. Pawan Verma
R/o RZ-128/74 East Sagar Pur
Street No. 10, Delhi-110046.

2. Mr. Surinder Singh,
S/o. Sh. Dharam Singh Panwar,
R/o 99-S, Sector-IV,
Baba Kharag Singh Marg,
New Delhi-110001.

... Applicants

(By Advocate Shri M.K. Gupta)

Versus

Govt. of National Capital Territory of
Delhi Through its Director of Education
Old Secretariat,
Delhi-110054.

... Respondents

(By Advocate Shri ~~Rajinder~~ ^{Vijay} Pandita)

① Corrected vide Court's
order dated 25/4/2000

(5)

ORDER(Oral)

By Reddy.J-

1. Heard the Learned counsel for the applicant and the Learned counsel for the respondents.

2. The applicants have been appointed as TGTs/Assistant Teachers on contract basis by NCT of Delhi. The contract was expired on 31.12.98 which period was again extended upto 31.3.99 or till the post was filled up on regular basis, whichever is earlier.

3. The Principal Bench of the Tribunal, in its judgments dated 7.5.99 and 1.9.99 considered the question as to the continuation of the applicants as TGTs/Assistant Teachers even after their period has expired. The by following directions have been issued in the judgement dated 7.5.99 as under:-

"In the background of the aforesaid circumstances, we allow these OAs with the following directions:

(A). Applicants shall be allowed to continue in the present posts till regular candidates duly selected by DSSSB/or appropriate authority are available to replace the applicants.

(B). Those selected regularly shall first be posted in the existing vacant positions and only if enough vacant posts are not available, they should be posted against the posts held by ad hoc appointees. Replacement of the latter should be on the principle of 'last come first go'. Those so displaced should be accommodated in vacancies that may be existing in other districts.

(C). The ad hoc appointees shall be paid minimum pay in the pay scale of regular teachers plus DA in terms of law laid down by Hon'ble Supreme Court in the case of Daily Rated Casual Labourer Vs. UOI & Ors. (1988 (1) SCC 122).

(D). No ad hoc appointee shall be replaced by any newly appointed ad hoc employee.

(E). Those of the applicants who have applied or may apply for regular selection, necessary relaxation in age shall be given to the extent of the period of service put in by them.

(F). There shall be no order as to costs."
4. Similar directions have been issued in the judgment dated 1.9.99. Learned counsel for the applicants therefore placing reliance on the above two judgments contends that the applicants also be reinstated in their respective posts and continue on these posts so long as vacancies exist and any artificial break in the service be treated as leave without pay.

5. Learned counsel for the respondents however contends that the applicants having no right to continue as TGTs/Assistant Teachers, in view of the expiry of the contract under which they have been appointed no direction can be given for the re-engagement. It is also contended that the respondents have filed writ petition before the High Court and pending the same no direction can be issued in this case.

6. We have gone through the judgments and we are satisfied with the reasons given by the learned judges. Respondents in these cases have been directed to reinstate the applicants therein in the existing vacancies till the regular candidates have been selected. We are of the view that the Govt. may well engage the applicants so as not to keep the schools without teachers, till the Govt. makes regular appointments in the said posts.

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9

In the circumstances we are of the view that the issues raised herein being identical with those raised in the above mentioned two judgments, we dispose of the OAs, in terms of the directions given by the Tribunal. in OA-745/99 in its judgment dated 1.9.99. No costs.

Smt. Shanta Shastri

(SMT. SHANTA SHASTRY)

M(A)

V. Rajagopala Reddy

(V. RAJAGOPALA REDDY)

V.C. (J)

RB.