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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 2210/98

New Delhi this the 24th day of November, 1998.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri N. Sahu, Member (A)

Smt. Nishi Garg
w/o Sh. Rakesh Garg,
resident of D-12/59,
Rohini, Delhi-85

... Applicant

(By Advocate Shri. P.L. Mimroth)

Vs.

1. National Capital Territory of Delhi
through its Chief Secretary,
Sham Nath Marg, Delhi.
2. Director of Education,
Govt. of NCT of Delhi, Old Sectt.,
Delhi.
3. Deputy Director of Education,
North East District, 'B' Block,
Yamuna Vihar, Delhi.
4. Deputy Director of Education,
North West District, Science Centre,
Hakikat Nagar, Delhi.
5. The Principal,
S.K.V. No. 1, New Seelampur,
Delhi.

... Respondents

(By Advocate Shri Vijay Pandita)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The applicant has impugned the order dated 13.10.98 terminating her services w.e.f. 13.11.98 as Language Teacher (Hindi). In this impugned order it has been stated that the termination has been done in terms of the appointment order which was ~~made~~ on contract basis made on 31.8.1998.

2. In the reply, the respondents have submitted that there is no illegality in the impugned termination order as the applicant has been terminated from services as Language Teacher (Hindi) in accordance with the appointment order. They have submitted that 15 regular appointees in TGT/Hindi/LT Hindi were nominated for posting and hence the services of the applicant have been terminated in accordance with Paragraph 1 of the appointment order dated 31.8.1998.

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3. It is settled law that an employee who has been appointed on contract basis for a period which is subject to the condition that the same will be terminated when regular appointees are available has no enforceable right to continue in service when that condition is fulfilled. In this view of the matter, the ex-parte interim order dated 12.11.1998 shall stand vacated and the OA is liable to be dismissed.

4. However, before we dispose of the case, we would like to record that Shri Mimroth, learned counsel for the applicant submits that since the applicant is out of job and she is a qualified Language Teacher(Hindi), she is prepared to be appointed even on contract basis or ad hoc basis in any other District where vacancies may exist. In this connection, Shri S.Chakravorty, Deputy Director, North East District, who is present in court has submitted that in case there are vacancies and if they find the applicant suitable for the post of TGT(Hindi) they have no objection ^{to} considering ^{for} ~~ing~~ her for such appointment on ad hoc or on contract basis, as the case may be *in accordance with the Rules* ^{13.}

5. In the above facts and circumstances of the case, the OA is dismissed at the admission stage. No order as to costs.


(N. Sahu)

Member (A)


(Smt. Lakshmi Swaminathan)

Member (J)

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