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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA-504/95  
MA-834/97

New Delhi this the 12th day of September, 1997.

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)  
Hon'ble Sh. S.P. Biswas, Member(J)

Smt. Laxmi Devi,  
W/o Sh. Kuldeep Sharma,  
MIG Flats 244, Pocket-C/8,  
Sector-8, Rohini,  
Delhi-85. .... Applicant

(through Sh. Pravir Choudhary with Sh. M.K.Giri  
advocate)

versus

1. Director of Education Govt.  
of National Territory of Delhi  
Directorate of Education BELA  
Road, New Delhi.
2. The Deputy Director Education  
Office of Deputy Director of  
Education Distt. Central BELA  
Road, New Delhi. .... Respondents

(through Sh. U. Srivastava for Sh. Arun Bhardwaj,  
advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

The applicant in this case was appointed as part-time teacher and worked for various periods, details of which are given in the application.

The respondents in their reply submitted that the applicant worked for 176 days between 23.2.93 and 8.1.94 on daily wages. The claim of the applicant that she worked for 374 days is wrong, according to the respondents. Alongwith the reply the respondents have annexed Annexure R/1 showing the details of the number of days she has worked. It was also pointed out that in the appointment letter of

the applicant, it has been mentioned that the appointee will not be entitled for any Government service such as regular appointment, fixation of seniority etc. Thus, the respondents are treating the applicant as daily wager while the case of the applicant is that he was a part time Nursery teacher.

This Tribunal by its order dated 31.1.97 in O.A.No.1879/94 has considered the case of part-time teachers in other grades and directed them to hold a selection test within three months and consider the case of those teachers for regularisation in the respective cadre, based on the decision of the Hon'ble Supreme Court in the case of Subhash Chander Sharma Vs. Director of Education & Anr. (Writ Petition (Civil) No.1350/90).

We have considered the rival contentions of the parties and we are also of the opinion that the benefit of the decision of the Hon'ble Supreme Court referred to above, thereafter followed by this Tribunal in OA-1879/94, shall also be made available to the applicant herein. Accordingly, we direct that the respondents shall hold a selection test in accordance with the rules, granting age relaxation to the extent the applicant had been on duty for the post of Nursery Teacher against the next available vacancy and if found eligible in accordance with the recruitment rules prescribed for the purpose,

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appropriate orders shall be passed within three months from the date of receipt of a copy of this order.

It is pointed out by the learned counsel for the applicant that even though the applicant is stated to have worked as per the counter-affidavit filed in this Tribunal for 176 days, the payment is made only for 80 days as per para 4.6 of the reply. In view of the matter, the payment for the unpaid period may also be made within six weeks from the date of receipt of a copy of this order.

With the aforesaid directions, this O.A. is disposed of. No costs.

  
(S.P. Biswas)  
Member (A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)

/vv/