

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.1025/96

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Mr. Govindan S. Tampi, Member (Admnv)

New Delhi, this the 2nd day of August, 2000.

1. Sh. Janardan Sharma,  
S/o Sh. Paras Ram Sharma,  
R/o 139/16, Onkar Nagar-B,  
Tri Nagar, Delhi-110035.
2. Shri Rajesh Kumar,  
S/o Shri Amar Singh,  
R/o 900 Gulabi Bagh,  
Delhi-110007.
3. Ms. Rajni Kumari,  
D/o Shri Amar Singh,  
S/o 900 Gulabi Bagh,  
Delhi-110007.
4. Shri Prabhat Srivastava,  
S/o Shri Chattar Pal,  
R/o 194/2, Padam Nagar,  
Delhi.
5. Smt. Rekha Khanna,  
W/o Shri O.P. Nigam,  
R/o 112, Nehru Kutia,  
Malika Ganj, Opp. Q-Block,  
Delhi.

...Applicants

(By Advocate Shri Ashok Aggarwal with Ms. Ritu Jain)

-Versus-

1. Govt. of National Capital Territory of Delhi,  
through its Chief Secretary,  
5, Shyam Nath Marg,  
Delhi-110054.
2. The Director of Education,  
Govt. of NCT of Delhi,  
Old Secretariat Building,  
Delhi-110054.

...Respondents

(Shri Vijay Pandita)

O R D E R (Oral)

By Govindan S. Tampi, Member (Admnv):

The applicants before us who were originally appointed as Part Time Vocational Teachers seek regularisation. As a part of the Vocational Education Scheme of the Delhi Administration, an advertisement was

issued for taking Teachers on part time basis and in pursuance of that advertisement interviews were held in December, 1990 applicants were originally appointed as Part Time Teachers on a purely contingent basis with the condition that they are liable to be terminated at any time without assigning any reason. Originally the remuneration was at the hourly rate for theory classes and practical classes and thereafter it became consolidated at the rate of Rs.3500/- p.m. which the applicants are now getting. The applicants' plea is that though nearly 9 years have elapsed and they have initially been posted against the vacancies, specifically created for the Scheme, they have not been regularised and no recruitment at all had taken place and the posts lying vacant. In the circumstances; they should have been regularised in the vacancies against which they are working from the date of their initial appointment. The learned counsel for the applicants also brought to our attention two judgements of this Tribunal, which according to him, support the case of the applicants.

2. The respondents contest the case of the applicants. The learned counsel for the respondents submits that the appointments of the applicants have been made purely on a contingent bases with the specific condition that they are likely to be terminated at any time and, therefore, actually they do not have any right for regularisation. The learned counsel for the respondents also invites our attention to two judgements of the Apex Court in the case of K.S. Mahalingegowda & Ors. etc. etc. v. The Secretary to Government, Department of Vocational Education, Karnataka & Ors., JT 1994 (7) SC 738 and three Judge Bench of the Apex Court in State of Punjab & Ors. v.

Surinder Kumar and Others, 1992 (1) SCC 489. Both these cases equally would indicate that such Part Time Teachers do not actually have any specific right of regularisation and, therefore, the respondents plead that the applicants case may be dismissed.

3. We have carefully considered the rival contentions. The operative portion of the judgement of the Apex Court in K.S. Mahalingegowda's case (supra) reads as under:

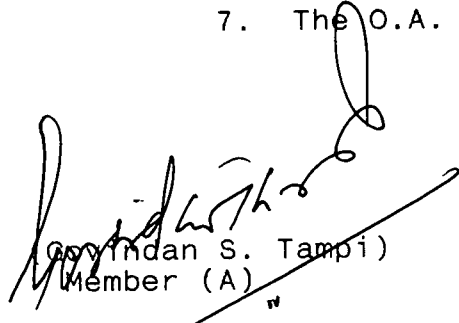
"13. There are large number of parttime lectureres who are holding regular employments in other educational institutions or with the State Government, public undertakings etc. We make it clear that the said category of parttime lecturers shall not be entitled to regularisation under the vocational training scheme despite their having served as such for more than ten years. They may go back to their regular employments if they do not wish to serve as parttime lecturers under the scheme."

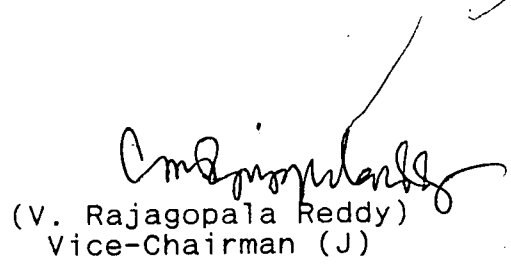
4. The second case cited by the learned counsel for the respondents in State of Pubnjab & Others (supra) also makes it clear that in the case of the Parttime Lecturers who were also appointed on the same condition that they can be relieved at any time, we do not also agree with the case of the applicants for regularisation.

5. In view of the authoritative pronouncements of the Apex Court, which squarely cover this case, we have to hold that the applicants do not have any right for regularisation.

6. During the course of the arguments the learned counsel for the respondents also brought to our notice that a scheme is being introduced for filling up the specifically sanctioned posts for the above work and that conditions have also been prescribed for that purpose. We would, therefore, advise the respondents to consider the case of the applicants in this case if they fulfil the conditions prescribed in the Scheme.

7. The O.A. is accordingly dismissed. No costs.

  
Govindan S. Tampi  
Member (A)

  
(V. Rajagopala Reddy)  
Vice-Chairman (J)

'San.'