

Central Administrative Tribunal
Principal Bench

O.A.No.1638/97

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 15th day of April, 1998

Shri Raj Kumar
s/o Shri Misri Lal
r/o H.No.5524, Gali No.5
New Chandrawal
Subzi Mandi
Delhi.
(By Shri D.R.Gupta, Advocate)

... Applicant

Vs.

1. The Director of Education
Govt. of NCT of Delhi
Old Sect. Alipur Road
Delhi.
2. The Dy. Director of Education(Sports)
Chattarsal Stadium, Model Town
Delhi.
(By Shri Anoop Bagai, Advocate)

... Respondents

O R D E R (Oral)

The applicant submits that after receiving training at Delhi Lawn Tennis Association, he was engaged as part-time Tennis Coach under Govt. of N.C.T. of Delhi vide letter dated 5.12.1991, Annexure-A/II. He claims that since then he has been working continuously as Tennis Coach but he has not been considered for regularisation against any Group 'D' or 'C' posts. He has therefore come before this Tribunal seeking a direction to the respondents to consider his case for regularisation against a vacant post of Groundsman from the date his junior has been regularised.

2. The respondents in reply have stated that applicant has come before the Tribunal ^{without} ~~not even~~ availing of the departmental remedy by making a representation. They also state that the applicant does not fulfil the necessary qualifications for consideration for appointment as a Coach. As regards the directions sought for appointment as Groundsman, they state that no

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representation to that effect has been made by the applicant.

3. I have heard the counsel on both sides. The learned counsel for the applicant submits that in another case of similarly situated part-time tennis coach, Shri Om Prakash, who had come before this Tribunal in OA No.1727/96, the Tribunal had, vide its order dated 14.3.1997, directed the respondents to consider the case of the applicant therein against the next available vacancy in Group 'C' post if any vacancy or sanctioned post became available, if not, in Group 'D' post as and when next vacancy arises. The learned counsel for the applicant submits that though the applicant has been re-engaged as part-time coach, on the statement of the respondents themselves he is getting daily wages higher than the minimum wages prescribed by the Govt. of N.C.T. of Delhi. He is thus, according to the learned counsel, in the position of casual labour and is therefore eligible for all the benefits which the casual labour working for a long periods is entitled to.

4. Having considered the matter carefully, I dispose of this OA with a direction to the respondents to consider the case of the applicant against the post of Groundsman, if any application to that effect is made by the applicant, keeping in view his long services of six years, in preference to outsiders and his juniors. The respondents may also grant him age relaxation as may be permissible under rules.

The OA is disposed of as above. No costs.

R.K. Ahuja
(R.K. Ahuja)
Member (A)

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