

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 419 of 1994

(2)

New Delhi this the 3rd day of March, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.N. Dhoundiyal, Member(A)

Shri Sarvajit Gandhi
R/o F-1/9, Mahavir Enclave,
Palam,
New Delhi.

....Applicant

None for the applicant

Versus

1. Director,
Education Department,
National Capital Territory of Delhi,
Old Secretariat,
Delhi.

2. Dy. Director,
Education Department,
District West(Admn.),
New Moti Nagar,
New Delhi.Respondents

ORDER (ORAI)

Mr. Justice S.K. Dhaon, Vice-Chairman

On 4.9.1991, the Deputy Director of Education, District West issued a Memorandum whereby he offered the applicant a temporary post of Assistant Teacher. It had been made clear in the said Memorandum that the appointment was liable to termination at any time without any reason. On 19.09.1991 by an Office Order No.535 issued by the Deputy Director of Education, the applicant was appointed on purely temporary basis on the terms and conditions already communicated and accepted by him. On 8.1.1992, the Deputy Director, in the purported exercise of powers under sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, terminated the services of the applicant by giving him a month's notice. This order was superseded by an order dated 20.08.92. By this order, the applicant was given a fresh appointment as an Assistant Teacher. It was made clear to him that he will have to acquire the essential qualification of passing English in the Examination B.A. /within a period of three years. By a communication dated 27.08.93, the Deputy Director informed the applicant

that his prayer for waving the condition that he should pass the B.A. Examination in English had been rejected. In this O.A., in main, the legality of the aforesaid order dated 20.08.1992 whereby the applicant was given a fresh appointment with the rider that he should pass English in B.A. Examination within a period of three years is being challenged.

2. We do not find any illegality in the condition that the applicant should obtain the requisite qualification of passing English in the B.A. Examination within a period of 3 years. He was given a concession by the Deputy Director by giving him a chance to acquire a degree in English as well within a period of three years. We may note that the period of 3 years has yet to expire and the applicant has still a chance to appear in the Examination to acquire the requisite qualification.

3. The other reliefs claimed are that the applicant has not been paid the arrears of salary etc. for the period 8.2.1992 to 24.08.1992, increment w.e.f. 1.10.92 and bonus for the year 1992. There is also a prayer for continuity in service from 1.10.1991.

4. We have already noted that the applicant has been given a fresh appointment as an Assistant Teacher vide order dated 20.08.1992. The question, therefore, of his being given continuity of service prior to 20.08.92 does not arise. As regards the complaint of non-payment of arrears etc., the authority concerned shall look into the matter, if a proper representation is made by the applicant. If the authority feels that the claim of the applicant has no foundation, it shall record reasons. It shall inform the applicant of its decision within a period of 2 weeks from the date of the taking of the same.

5. With these directions, this application is rejected summarily.

B.N. DHOUNDIYAI
(B.N. DHOUNDIYAI)
MEMBER (A)

S.K. DHAON
(S.K. DHAON)
VICE CHAIRMAN