

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.NO.2620/2000

New Delhi, this the 15th day of December, 2000

Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Sh. K.P.Tyagi,
S/O Sh. Ram Niwas Tyagi,
Radio Colony, Delhi-9.
2. Sh. Satish Kumar,
S/O Shri Babu Ram Verma,
R/O RZ-48 B, Raghu Nagar,
Pankha Road, Bysian Line,
Near Najan Cinema,
New Delhi.
3. Sandeep Tyagi,
S/O Shri Ashok Kumar Tyagi,
C-108, DDA Flats (1),
Katwaria Sarai,
New Delhi.
4. Amit Sharma
S/O Sh. Gopal Dutt Sharma
R/O RZ-90, Gali No.7,
Mohan Block, Sagarpur West,
New Delhi.

...Applicants.

(By Advocate: Sh. Sanjay Verma)

VERSUS

1. Govt. of NCT of Delhi,
through its Chief Secretary,
Old Secretariat, Delhi.
2. Netaji Subhash Institute of Technology
Through its Director,
Sector-3, Dwarka Pappan Kalan,
New Delhi.
3. Superintendent of Engineer (Civil)
Netaji Subhash Institute of Tech.
Sector-3, Dwarka, Pappan Kalan,
New Delhi.
4. Dean Administration,
Netaji Subhash Institute of Tech.
Sector-3, Dwarka, Pappan Kalan,
New Delhi.

..Respondents.

O R D E R (ORAL)

Heard the learned counsel for the applicants.

2. The applicants had been working as Technical Assistants/ J.E. (Civil) in Netaji Subhash Institute of Technology under the Govt. of NCT of Delhi. They were



(2)

appointed on contract basis vide office order dated 1.6.2000 placed on record. It would appear therefrom that the applicants were appointed to work as part of project team and the contract was to last from 1.6.2000 to 30.11.2000 in each case. In the same order of 1.6.2000, a provision has been made as follows:-

"The appointment of the officials are purely temporary and can be terminated without any notice even before the expiry of the above period and without assigning any reasons. The appointment of the above officials are for the period mentioned against their names or their regular incumbents joins, whichever is earlier. In respect of contract appointees, their appointment shall stand automatically terminated at the end of the period of contract. Also their appointment as on contract basis shall not confer on them any claim or right whatsoever for regularisation/regular appointment or for assignment of seniority on this post or any equivalent post in Institute on this basis."

3. From the aforesaid, it is clear that contract appointees, as the applicants indeed are, their appointments are presumed to have been automatically terminated at the end of the period of contract, i.e., on 30.11.2000. There is nothing to show on record that the applicants are still working, i.e., beyond 30.11.2000.

4. By way of reliefs, the applicants want a direction to be issued to the respondents to allow the applicants to continue and consider them for regularisation. A further relief sought is that if the respondents are going to fill up the post of TA/JE on regular basis, the applicants should also be considered along with other candidates in accordance with law.

(3)

5. The learned counsel for the applicant brought to my notice a decision rendered by the D.B. of this Tribunal in OA-2278/99 decided on 19.11.99. I have perused the aforesaid decision and find that the same relates to the appointment of Pharmacists in a different Organisation than the one in which the applicants have been working. The facts and circumstances of that case have also not been brought out in the aforesaid order. On this basis, that case is distinguished from this case and, therefore, I am not bound by that order to pass a similar order in the present OA.

6. In the circumstances of this case, looking at the need to render justice to the applicants who have been working even if on contract basis for a long enough time, I would like to dispose of this OA at the admission stage itself by directing the respondents to consider the claims of the applicants whenever they induct personnel in their organisation on regular basis or even otherwise on the basis of the length of service rendered by them in the respondents' organisation.

7. The OA is disposed of in the aforestated terms. No costs.

Registry is directed to send the copy of the OA along with this order.

S. A. T. Rizvi

(S.A.T. Rizvi)
Member (A)

/sunil/