

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
New Delhi

O.A. No.826/2000

New Delhi, this 24th day of the November, 2000

12

Hon'ble Mr. Justice Rajagopala Reddy, Vice-Chairman (J)

1. Ms. Sunita Chowdhary, D/o Dr. Rajvir Singh,
Previsouly Residing at:
R/o X-242, Sarojini Nagar,
New Delhi-110032 and Presently residing at:
C-7/279-A, Lawrence Road,
Keshavpuram, Delhi.

...Applicant

(By Advocate: Shri K.P.Gupta)

Versus

1. The Deputy Director of Education,
District North West 'A'
Hakikat Nagar, Delhi.
2. The Vice Principal,
Govt. Boys Sec. School,
Vijay Nagar, Delhi.

... Respondents

(By Advocate: Mr. Mohit Madan, proxy
counsel for Mrs. Avnish Ahlwat)

ORDER (ORAL)

Heard the learned counsel for the applicant and
learned proxy counsel for the respondents.

2. The applicant was appointed as TGT(Social Studies) in the Govt. Boys Senior Secondary School by the Deputy Director of Education by an order dated 18.1.99 up to 31.2.99 or till the post was filled up on regular basis, whichever is earlier, on a consolidated remuneration of Rs. 6000/- (Rupees Six Thousand only). The applicant, however, continued till the transfer order dated 21.3.2000 was passed, transferring him to the GBSS, Vijay Nagar. The grievance of the applicant is that thereafter, she was not given any posting and virtually, the transfer order awarded to termination of her services. It is contended by the learned counsel for the applicant

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that by virtue of several judgement of the Tribunal as well as High Court held that till the vacancies are filled up by regularly appointed teachers. The contract teachers should invariably be continued. It is, however, stated by the learned counsel for the respondents in the counter affidavit that the applicant TGT (Social Studies) was mal-adjusted in the post of TGT (Maths). Now Maths teacher is available to work in the post in which the applicant was working and as no other post of TGT(Social Studies) was available, the applicant was not continued in service. It is contended by the learned counsel for the respondents that the applicant has no right to claim for continuous in the post.

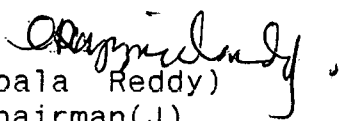
3. We have given the careful consideration and perused the records placed before us.

4. Admittedly, the applicant was appointed only on contract basis for three months on 18.1.99 which had expired in April 1999. The contention that she was entitled to continued till teachers are appointed on regular basis is not correct. In support of the said contention, he places reliance on certain judgements. It is, however, true that in certain cases, the contract teachers were continued if the vacancies are available, as there was no justification to keep them vacant, subject till they were replaced by regularly selected teachers. But, in the present case, there was no post available as TGT (Social Studies) in which post she was applied

and post in which the applicant has been working was now filled up by the TGT (Maths). Hence, the applicant cannot be continued, any further.



5. However, if any vacancies are available, the applicant may be considered in such vacant post so long as the regular appointees are not appointed. With this direction, the OA is dismissed. No costs.


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

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