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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.944/2000

Friday, this the 4th day of May, 2001

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

1. Miss Indu Kumar, D/O Shri T.K. Bansal
R/O C/6, Ashoka Niketan
Delhi-92.
2. Savita Rani, D/O Shri Chatur Sujan
R/O Block-I, House No.88-89,
Jahangeer Puri, New Delhi-33.
3. Alka Bhasin, D/O Shri S.L.Bhasin
R/O B/114, Double Story Quraters,
Motia Khan, New Delhi-55.
4. Shalini Luthra, D/O Sh. M.L. Luthra
R/O VB-58, Lane No.2, Varinder Nagar,
PO Janak Puri, New Delhi-58.
5. Sunil Kumar Kashyap, S/O R.K. Kashyap
R/O 150A, LIG Flats, Vikarant Enclave,
Mayapuri, New Delhi-64.
6. Manta Vashishat, D/O Sh. T.R.Vashishtha
R/O 24A, Laxmi Garden, Nazafgarh,
New Delhi.
7. Ms. Poonam Suri, D/O Late Sh. K.K.Suri
R/O F14/41, Model Town-II, Delhi-9.
8. Dolly Bajaj, D/O Sh. S.C.Bajaj,
R/O Flat No.475, Pocket 10, Sec.11
Rohini, Delhi.

(By Advocate: Shri U.Srivastav)

..Applicants

VERSUS

Govt. of NCT Delhi, through

1. The Secretary (Education)
5, Sham Nath Marg,
Delhi-54.
2. The Director of Education
Govt. of NCT Delhi, Old Sectt,
New Delhi.
3. The Joint Director of Education (Admin)
Govt. of NCT Delhi, Old Secretariate,
Delhi.

(By Advocate: Shri Mohit Madan for Mrs. Avnish Ahlawat)

..Respondents

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(2)

O R D E R (ORAL)

Heard the learned counsel on either side and have perused the material placed on record.

The applicants in this OA are aggrieved by the termination of their services as contract teachers. The allegation made is that the services of the applicants are being terminated or have been terminated arbitrarily.

According to the applicant himself, the matter relating to the appointment of teachers on contract basis was agitated before the Tribunal in OA 673/1999 and the Tribunal by its order of 7.5.1999 inter alia provided as follows:-

- "(a) Applicants shall be allowed to continue in the present posts till regular candidates duly selected by DSSSB/or appropriate authority are available to replace the applicants.
- (b) Those selected regularly shall first be posted in the existing vacant positions and only if enough posts are not available, they should be posted against the posts held by ad hoc appointees. Replacement of the latter should be on the principle of 'last come first'. Those so displaced should be accommodated in vacancies that may be existed in other districts.
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|-----|----|----|-----|
| (c) | XX | XX | XX |
| (d) | XX | XX | XX |
| (e) | XX | XX | XX |
| (f) | XX | XX | XX" |

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~~The aforesaid decision was taken up in review but~~
~~the Review application was rejected.~~ Later, the matter
was once again agitated before this very Tribunal on
behalf of similarly placed teachers in OA Nos.520/2000,
829/2000, 503/2000 and 509/2000. The same was decided on
20.7.2000. The OAs were dismissed. It has been observed
in the said order that the matter, on having been taken to
the High Court, the stipulation made in (b) above was
quashed and set aside and the rest of the directions given
by the Tribunal have been maintained. That same order of
the High Court was taken to the Hon'ble Supreme Court but
the SLP was rejected. The aforesaid order of this
Tribunal also provides that "...After services of
applicants are now being terminated on the basis of
regular candidates being duly selected by the DSSSB and
also through promotional channel, applicants have once
again approached this Tribunal by instituting the present
OAs..". The Tribunal was, therefore, aware that the
applicants employed on contract were being replaced by
regularly selected persons and the same was in accordance
with the decision of this Tribunal in OA-673/99. In the
present case, according to the learned proxy counsel for
the respondents, the position is just the same. Here
also, the applicants employed on contract are being
replaced by regularly appointed person which is in
accordance with the order of this Tribunal passed on
7.5.1999 which holds the field. Accordingly, the
respondents' action cannot ^{r be} faulted.

The OA is dismissed in the aforesaid terms. No costs.

S.A.T. Rizvi

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

/sunil/