

(13)

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. ~~Manita Vashishtha~~ 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

(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.
- (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 be faulted.

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

*S.A.T. Rizvi*

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

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