

12
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.985/2000
M.A.No.1264/2000
M.A.No.1894/2000
M.A.No.1955/2000
6

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)

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

1. Shri R.K.Yadav
s/o Shri Batthu Yadav
r/o A-10, Staff Quarter
Punjab Bhavan
Copernicus Marg
New Delhi - 110 001.
2. Dr. Vikash Raj
s/o late Shri J.K.Rai
F-169, Katwaria Sarai
Hauz Khas
New Delhi - 110 016.
3. Ms. Deepa Sinha
d/o Sri M.C.Sinha
H.No.179, Tiwaripur-I
Adarsh Nagar
Kanpur - 208 010.
4. Ms. Jyoti Sinha
w/o Mr. R.N.Sinha
B-3/105, Sector - 11
Rohini
Delhi - 110 085.
5. Dr. C.P.Singh
s/o Shri Suresh Kumar
B-3/261, Sector-17
Rohini, Delhi.
6. Dr. Soma Gupta
w/o Shri Manoj Gupta
C-1/1696, Vasant Kunj
New Delhi - 110 070.
7. Dr. B.S.Bhadoria
s/o D.S.Bhadoria
H.No.481, Housing Board Colony
Sector - 17, Gurgaon-1.
8. Dr. Manisha Bhutani
No.153-B, DDA Flats (MIG)
Rajouri Garden Extn.
New Delhi - 110 027.
9. Dr. Rajeev Ranjan Srivastav
s/o Shri Ram Lakhan Srivastav
824-A, Near Petrol Pump
Bawana, Delhi - 110 039.
10. Dr. Kunal Chandra
s/o Shri Satnam Dass
I-1/108, Lajpat Nagar-I
New Delhi - 110 024.

✓

11. Dr. Alka Choubey
w/o Capt. Rakesh Pandey
33-E/DB Block
Hari Nagar
New Delhi - 110 064.

12. Shri Anoop Shukla
s/o B.D. Shukla
28, Type-III Shastri Nagar
Thatipur Gwalior (M.P.)
PIN 474 011.

13. Mr. Manoj Kumar Sharma
s/o Shri Raj Kumar Sharma
C-521, Dhruv Gali,
Near 100 ft. Road
Shiv Mandir
East Babarpur
Shahdara
Delhi - 110 032.

14. Shri Avinash Nema
s/o Shri R.K. Nema
541-A, Trimurti Nagar
Damoh Road
Jabalpur - 482 002 (MP).

15. Ms. Mini Sreejeth
w/o Maj. R. Sreejeth
21, Patel Apartments
Sector - 13, Plot No. 10
Rohini
New Delhi - 110 085.

16. Ms. Alka Adya
w/o Shri Shailendra Singh
C-6B 103 Janakpur
New Delhi - 110 058.

17. Shri P.K. Panda
s/o Shri Bhima Chand Panda
At/Post - RUPSA
Distt. Balasore (Orissa)
PIN 756 028.

18. Shri Vikas Mahajan
s/o Shri Tilak Raj Mahajan
510, Vikas Kunj
Vikaspuri
New Delhi - 110 018.

19. Shri Deepak Kumar
s/o Dr. Bimal Prasad Singh
159-B, WP Block
Pitampura
Delhi - 110 034.

20. Shri Rajeev Taneja
s/o Shri M.C. Taneja
L-50, Kalkaji
New Delhi.

11

✓

21. Mr. Chandrashekhar Verma
s/o Shri Indrapal Verma
Govt. Middle School
Purena
(Dakbangla) P.O.Bhilai-3(MP)
PIN - 490 021.

22. Mr. P.P.Singh
s/o Shri Ram Chandra
Vill. Kumraua
P.O.Majhola (Gangiri)
Distt. Aligarh (UP)
PIN - 202 134.

23. Shri Sankalp Srivastava
s/o Shri P.K.Sinha
64-A, Ram Kala Nagar
Morar, Gwalior (MP)
PIN 474 006. ... Applicants

(By Shri Manish Bhatnagar, Advocate)

Vs.

1. Govt. of NCT of Delhi, through
Joint Secretary (TE)
Dept. of Training & Technical Education
Pitampura
Delhi - 110 034.

2. The Principal
Delhi College of Engineering
Bawana Road
Delhi - 110 042.

3. Lt. Governor
Raj Niwas
New Delhi. ... Respondents

(By Ms. Neelam Singh, Advocate)

O R D E R (Oral)

Justice V. Rajagopala Reddy:

The applicants have been working on contractual basis as Lecturers in the Delhi College of Engineering in several disciplines. All of them have been appointed between July, 1999 and January, 2000, for a period of one year in a consolidated pay of Rs.8000/- per month. Out of the 25 applicants, 21 applicants have completed their period of one year, whereas the remaining four applicants, will be completing their period of one year by 28.12.2000, 9.1.2001, 30.1.2001 and 6.1.2001. It is stated that

one of the applicants Shri Anoop Shukla has resigned from service on 15.11.2000 and another Dr. Soma Gupta was selected on regular basis. Though their term had expired, by virtue of the interim order of the Tribunal they are still continuing as contractual Lecturers. The applicants seek continuance of their services on payment of regular scales of pay as are being paid to the regular Lecturers till they are replaced by regular Lecturers, appointed by the UPSC. The learned counsel for the applicants places reliance on the cases of Sangeetha Narang and Others Vs. Delhi Administration and Ors., ATR 1988(1) CAT 566) and OA No.2564/97 (Dr. J.P.Paliya & Others Vs. Govt. of NCT of Delhi & Others).

2. The respondents however submits that as the applicants are appointed on contractual basis, they cannot have any right for their continuance, they are governed by the terms and conditions of their contract and they are not entitled to continue on regular scale of pay, particularly most of them may not be eligible for appointment on regular basis in accordance with the rules and they were not so selected by the competent authority.

3. I have given careful consideration to the contentions raised. It cannot be disputed that the contractual employees have no right for their continuance after the period of contract has expired, nor even they claim any regular scales of pay which can be only given to the employees who had been selected on regular basis. It is however seen that by the interim order all the applicants are still

continuing in their service. But it is now stated by the learned counsel for the respondents that there is no vacancy in the disciplines of Civil, Mathematics and Chemistry and that the applicants who are now working in those disciplines by virtue of the interim orders, cannot be continued. The statement of the learned counsel for the respondents is, however, disputed by the learned counsel for the applicants. The learned counsel for the respondents also submits that vacancies are being filled up by the Government on regular basis. However, it should be seen till the selections are made and the vacancies are filled up there is no justification for removing the applicants and seek to fill up those vacancies by fresh contractual employees. Wherever there are vacancies in our view, the applicants should continue till they are replaced by the regularly selected Lecturers, if there are no vacancies in whatever the discipline, the applicants cannot be continued in those disciplines.

4. As regards the payment of regular scales of pay, I am of the view that the decision of Sangeetha Narang's case (Supra) and Shri J.P.Paliya's case (Supra) have no application. On the basis of certain circumstances that were brought to the notice of the Tribunal, in those cases, Doctors were permitted to continue on payment of regular scales of pay as are paid to the Junior Doctors. The same parameters cannot be applied to the Lecturers. Super speciality Doctors are a rare commodity and Lecturers cannot be compared with them as they are available freely particularly against the background where hospitals are unable to provide adequate medical help

15

to the poor people who swell the queues at the Government hospitals. It is also stated that the Government is filling up all the vacancies by regular selection.

5. The OA is therefore disposed of with a direction that the respondents shall continue the applicants on the same terms and conditions on which they were appointed till they are replaced by the regularly appointed Lecturers, wherever there are vacancies, in their respective disciplines. Where there is no vacancy, the applicants cannot continue. The respondents are directed to release the salary to such of the applicants ^{whose} ~~if~~ it is due, within a period of two weeks from the date of receipt of a copy of this order. The OA is accordingly disposed of. No costs.

V.RAJAGOPALA REDDY
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

RAO/