

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

- 1) O.A. NO. 520/2000
M.A. NO. 744/2000
- 2) O.A. NO. 829/2000
M.A. NO. 1062/2000
- 3) O.A. NO. 503/2000
with
C.P. NO. 183/2000
C.P. NO. 224/2000
M.A. NO. 716/2000
- 4) O.A. NO. 509/2000
C.P. NO. 189/2000

(6)

New Delhi this the 20th day of July, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

1) O.A. NO. 520/2000
M.A. NO. 744/2000

1. Mukesh Khatri S/O Pratap Singh
2. Mridula Sharma W/O Anil Sharma
3. Rajni Sehgal W/O Rajesh Sehgal
4. Narendra Kumar Gupta S/O Manohar Lal
5. Poonam Sharma W/O Rakesh Sharma
6. Rekhi Seth S/O T.D. Sethi
7. Manju Bala D/O Dr. Narendra Kumar Mishra
8. Archana Dikshit W/O Sanjiv Dikshit
9. Shashi Pandey
10. Sonia Mittal W/O Pramod Mittal
11. Mahender Singh S/O Rampat Dagar
12. Praveen Kumar S/O Surender Sharma
13. Alka Rani D/O Gopal Das Saluja
14. Savita Sharma D/O Om Prakash Sharma
15. Anita W/O Rajeev Sharda
16. Dinesh Kumar S/O G.L. Sharma
17. Meenu Arya D/O T.R. Arya
18. Rita Bhatti W/O Preet Bhatti
19. Alka Rathi W/O Vijay
20. Seema Sharma W/O Sanjay Sharma ... Applicants

-VERSUS-

1. Govt. of N.C.T. of Delhi through
Secretary of Education, Delhi,
5, Sham Nath Marg, Delhi-110054.
2. Director of Education,
Govt. of N.C.T. of Delhi,
Old Secretariat, Delhi.
3. Joint Director of Education (Admn.),
Govt. of N.C.T. of Delhi,
Old Secretariat, Delhi. ... Respondents

N.K.

2) O.A. NO. 829/2000
M.A. NO. 1062/2000

1. Neelam Kumari D/O Bishwamber Singh
2. Kashmiri S/O Dheer Singh ... Applicants

-versus-

1. Delhi Subordinate Services Selection Board,
U.T.C.S. Building, Shahdara,
Delhi.
2. Govt. of N.C.T. of Delhi through
Secretary (Education),
Old Secretariat, Delhi.
3. Director of Education,
Govt. of N.C.T. of Delhi,
Old Secretariat, Delhi. ... Respondents

3) O.A. NO. 503/2000
with

C.P. NO. 183/2000
C.P. NO. 224/2000
M.A. NO. 716/2000

1. Rachna Gupta W/O Mukesh Gupta
2. Anjali Rani W/O Ajay Aggarwal
3. Atulya Kumari D/O Ramashish
4. Madan Mohan Roy S/O D.K.Roy
5. Seema
6. Geeta Mehndiratta W/O Naresh Kumar
Mehndiratta
7. Gurpinder Kaur D/O Harkishan Singh Mongh
8. Anju Rani W/O Surinder Singh Malik
9.
10. Sunita W/O Paveen Ahlawat
11. Nirmal Rani W/O M.K. Sharma
12. Monika Kapoor W/O T.N. Kapoor
13. Antu Bala
14. Rekha Garg W/O Sanjay Kumar Garg
15. Bharat Bhushan S/O Shiv Kumar Sharma
16. Shiv Kumar S/O Kashmiri Lal
17. Vishnu Sharma S/O Y.R. Sharma
18. Sita Ram S/O Maha Singh
19. Puneet S/O Krishan Mohan Lal
20. Rohit Kumar Mishra S/O Harshil Mishra
21. Shobha Rani Gupta W/O Prabhat Goel
22. Dayanand S/O Satyanarayan
23. Shiv Charan Sharma S/O Rishi Ram
24. Mathura Nand Chaudhary S/O Nandan Chaudhary
25. Shailender Kumar Chaudhary
S/O L. Punedhar Jha
26. Mohammed Zubair
27. Anju Verma D/O Padam Singh
28. Meenu Goba W/O Praween Kumar Goba
29. Sudha W/O Surender Kumar
30. Anita Sachdeva D/O B.B. Gandhi
31. Rabia Praveen W/O Lt. Munjrat Ali
32. Jitender Kumar S/O Ram Chander Prasad
33. Satvinder

34. Rusee D/O Om Prakash Chauhan
35. Veena Anand
36. Sunita Batra W/O Pradeep Batra
37. Neeraj Kumar S/O Badlu Ram
38. Shallu Paruthu S/O D.L.Chawla
39. Bimla Rawat W/O V.K.Rawat
40. Kavita Mathur D/O Govind Narayan Mathur
41. Geeta Bhatt D/O G.N.Bhatt
42. Dolly Bajaj W/O S.C.Bajaj
43. Poonam Adhikari D/O R.A.Adhikari
44. Sunita Kumari W/O Saatender Kumar
45. Archana Garg W/O Satish Kumar Garg
46. Renu Gupta W/O T.C.Garg
47. Veena Garg W/O R.K.Garg
48. Ruchi Grover D/O K.c.Grover
49. Anju Bajaj
50. Tripta Daahiya D/O A.S.Dahiya
51. Raj Kumar
52. Mukesh Sharma S/O Chandra Bhan
53. Satyender Rana S/O Sumender singh
54. Archana Gupta D/O Nand Lal Gupta
55. Amita Sharma D/O V.P.Sharma
56. Rakesh Kumar S/O Kishan
57. Archna Arora D/O Om Prakash Arora
58. Alka Rani D/O Vijay Pal
59. Devendra Chauhan S/O B.S.Chauhan
60. Kiran Bala W/O Sunil Kumar Bajaj
61. Mukesh Lata D/O Mange Ram
62. Sumitra Devi W/O Mahabaleshwar Kataria
63. Sunil Punia D/O Dale Ram Punia
64. Vanita Kanwal D/O H.R.Kanwal
65. Sarabjeet Kaur D/O Ranjeet Singh
66. Shashi D/O S.S.S.Chauhan
67. Sangeeta
68. Neelam Mehta D/O R.K.Mehta
69. Kavita Chug D/O Kishan Chug
70. Neeru Kapoor D/O N.M.Kapoor
71. Sunil Kumar Jha S/O Raj Narayan Jha
72. Israr Ahmed S/O Mohd. Aslam
73. Mani Pal Rana S/O C.B.Rana
74. Suman Singh W/O Amar Pal Singh
75. Arti Chawla W/O Ranjeet Bhatia
76. Sanjay Kaushik S/O Hoshiyar Singh
77. Adarsh Dhama S/O R.K.Dhama
78. Jyoti Verma D/O B.S.Verma
79. Mithlesh Kumari
80. Kaushal Kumar Mishra S/O Harshit Mishra
81. Poonam Dabas W/O Rajesh Tushir
82. Geeta Rani W/O Sanjay Kumar
83. Vinod Kumar W/O Mukesh Rathi
84. Rekha W/O anil Kumar
85. Monika Gupta D/O Naveen Gupta
86. Meenu Bhasin D/O Karan Bhasin
87. Saroj Kaushik W/O Jogender Kaushik
88. Simmi Thakur D/O M.L.Thakur
89. Sandeep Asri
90. Anupama Jain D/O Ajit Prasad Jain
91. Urmi W/O Sandeep Asri
92. Shelly Rawat D/O R.S.Rawat
93. Shashi Sharma W/O R.K.sharma
94. Geeta Rani W/O Rahul Kumar Singh

... Applicants

-versus-

1. Delhi Subordinate Services Selection Board,
U.T.C.S. Building, Shahdara,
Delhi.
2. Govt. of N.C.T. of Delhi through
Secretary (Education),
Old Secretariat, Delhi.
3. Director of Education,
Govt. of N.C.T. of Delhi,
Old Secretariat, Delhi. ... Respondents

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4) O.A. NO. 509/2000
C.P. NO. 189/2000

1. Sonia Dawar D/O V.K. Dawar
2. Urmil Khurana W/O Baveen Khurana
3. Iram Mumshad W/O Shadab Ahmed Siddiqui
4. Sunita Sharma W/O Joginder Sharma
5. Shahabuddin S/O Hameedullah Khan
6. Anju Makhija W/O Ajit Singh
7. Seema Kohli D/O Hari Ram Kohli
8. Geeta Bhardwaj D/O Chhatar Pal Sharma
9. Virender Singh S/O Balbir Singh
10. Sushil Yadav S/O B.K. Yadav
11. Sushma Kumari W/O Vinod Khatri
12. Mamta W/O Rajesh Khanna
13. Rita Tavathia D/O Randhir Singh
14. Anil Kumar S/O Balbir Singh
15. Navneet Seth D/O I.M.L. Tandon
16. Seema Arya D/O K.C. Arya
17. Nisha Agarwal D/O S.K. Agarwal
18. Nitesh Kumari D/O Harender Pal Singh
19. Hem Lata Kaushik W/O Vidya Sagar
20. Babita Sharma W/O Sanjay Vats
21. Rekha Gupta W/O Ram Niwas Gupta
22. Poonam Bansal D/O S.K. Bansal
23. Sanjay Kumar S/O Mahender Singh
24. Mohd Salahuddin S/O Mohd. Sulaiman
25. Pratibha Chauhan W/O Rajesh Chauhan
26. Uma Prabhash D/O Ranga Swami
27. Pratibha Sharma W/O Mahesh Sharma
28. Net Ram S/O Bansi Lal
29. Manjusha D/O Tarif Singh
30. Mukesh Sharma D/O Jagan Nath Sharma

... Applicants

-versus-

1. Delhi Subordinate Services Selection Board,
U.T.C.S. Building, Shahdara,
Delhi.
2. Govt. of N.C.T. of Delhi through
Secretary (Education),
Old Secretariat, Delhi.

Net

3. Director of Education,
Govt. of N.C.T. of Delhi,
Old Secretariat, Delhi. ... Respondents

Advocates : Shri U.Srivastava, for Applicants
Mrs. Avnish ahlawat, for Respondents

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O R D E R (ORAL)

Shri Justice Ashok Agarwal :

In our judgment, present O.As. are wholly misconceived. Applicants had earlier approached this Tribunal by instituting O.A. No.673/99 and other connected matters. The same had been disposed of by a common order giving the following directions :

"(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 vacant 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 go'. Those so displaced should be accommodated in vacancies that may be existing in other districts.

(C) The ad hoc appointees shall be paid minimum pay in the pay scale of regular teachers plus DA in terms of law laid down by Hon'ble Supreme Court in the case of Daily Rated Casual Labourer Vs. UOI & Ors. (1988(1) SCC 122).

(D) No ad hoc appointee shall be replaced by any newly appointed ad hoc employees.

(E) Those of the applicants who have applied or may apply for regular selection, necessary relaxation in age shall be given to the extent of the period of service put in by them.

(F) There shall be no order as to costs."

W.A

2. Aforesaid order was carried to the High Court, whereby by an order passed on 20.12.1999 the aforesaid directions of the Tribunal contained in para (B) have been quashed. Rest of the directions have been maintained. SLP filed against the aforesaid order of the High Court at the instance of applicants has been rejected. After services of applicants ~~o/s~~ now being terminated on the basis of regular candidates being duly selected by the Delhi Subordinate Service Selection Board (DSSSB) and also through promotional channel, applicants have once again approached this Tribunal by instituting the present O.As. Interim orders have also been procured in most of the O.As. Parties are not ad idem as to whether the services of applicants have been terminated only after regular candidates have been appointed. On the one hand, Shri Srivastava, the learned counsel appearing for applicants, contends that their services have been terminated and the posts have been kept vacant, whereas this has been denied by Mrs. Ahlawat, the learned counsel appearing on behalf of respondents.

3. In our view, it would be unreasonable that posts are kept vacant merely in order to harm the applicants and thereby ~~also~~ prejudicing interests of respondents.

4. Present O.As., in the circumstances, are dismissed as being without merit. Interim orders earlier passed are vacated. It is clarified that

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respondents will strictly adhere to the aforesaid directions passed by the Tribunal as modified by the High Court. There shall be no order as to costs.

5. In view of the present order, the contempt petitions which have been filed by and on behalf of applicants alleging breach of the interim orders, are also dismissed.

(V. K. Majotra)
Member (A)

(Ashok Agarwal)
Chairman

/as/

Atkeson
March
2011