

In the Central Administrative Tribunal  
Principal Bench, New Delhi

Recon. No.: 500/92

Date: 4.9.1992

1. DA-2036/88

Shri Sudarshan Kumar - .... Applicant

Versus

Chief Secretary, .... Respondents  
Delhi Admn.

2. CA-124/89

Smt. Kusum Kaushik .... Applicant

Versus

Chief Secretary, .... Respondents  
Delhi Admn.

For the Applicant .... Shri B.K. Aggarwal, Advocate

For the Respondents .... Mrs. Avnish Ahlawat, Advocate

CORAM: Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)  
Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see  
the judgement? *Yes*

2. To be referred to the Reporter or not? *No*

(Judgement of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice-Chairman)

The question whether applications filed by the  
employees of the erstwhile Sanatan Dham Ayurvedic College,  
Malika Ganj Chowk, Delhi, are maintainable in this Tribunal  
and whether they are entitled to the reliefs sought by them,  
are in issue before us. It is proposed to deal with them  
in a common judgement.

2. It may be mentioned at the outset that the aforesaid issues had been considered in the judgement of this Tribunal dated 25.10.1991 in OA-1340/88 and connected matters (Smt. Nirmal Rai and Others Vs. The Chief Secretary, Delhi Administration and Another) to which both of us were parties. SLP (Civil) Nos. 3524-25/92 filed by the Delhi Administration against the aforesaid judgement of this Tribunal was dismissed by the Supreme Court after hearing both parties by order dated 21.7.92.

3. Aplicant in OA-2036/88 was appointed as Clerk-cum-Storekeeper w.e.f. 1.6.1985 while the applicant in OA-124/89 was appointed as Lecturer w.e.f. 10.1.1986. The services of applicant in OA-2036/88 were terminated by the impugned order dated 18.7.1988 while the services of applicant in OA-124/89 were terminated by the impugned order dated 11.11.1988. They have prayed for setting aside and quashing the aforesaid impugned orders of termination and for their reinstatement with all consequential benefits, including regular pay-scales.

4. In the judgement of this Tribunal dated 25.10.1991 in Smt. Nirmal Rai's case, the Tribunal has concluded on the basis of the material placed before it that the Delhi Administration took over the management of the College in question in public interest. Therefore, the Tribunal held that it would not be fair and just to terminate the services

of the staff on the plea that the College has been closed down after April, 1991 examinations without making a proper scheme for redeploying such staff. As the respondents had taken over the management of the College in public interest, the erstwhile staff of the management of the College becomes the staff of the Delhi Administration who are bound to provide alternative placement for them in accordance with the scheme to be formulated to protect the service conditions of such staff. Accordingly, the Tribunal over-ruled the preliminary objections raised by the respondents as to the maintainability of the applications. The respondents were directed to treat the applicants as the employees of the Delhi Administration who had been rendered surplus consequent upon the closure of the Santan Dham Ayurvedic College w.e.f. April, 1991. A direction was issued to the respondents that the applicants shall be given alternative placement in posts in the Delhi Administration commensurate with their qualifications and experience in accordance with the appropriate scheme prepared by them. They would also be entitled to pay and allowances for the period of take over of the Management of the said College till they are given alternative jobs and all consequential benefits.

5. Since the facts of the present applications as well as the issues involved therein are identical, we follow the

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ratio of the judgement of the Tribunal dated 25.10.1991 in Smt. Nirmal Rai's case, mentioned above.

6. Accordingly, the applications are disposed of with the following directions:-

- (i) The respondents shall treat the applicants as the employees of the Delhi Administration who have been rendered surplus consequent upon the closure of the Sanatana Dharm Ayurvedic College w.e.f. April, 1991.
- (ii) We set aside the impugned order of termination of services dated 18.7.1988 in OA-2036/88 and the impugned order of termination dated 11.11.1988 in OA-124/89. The respondents shall give to the applicants alternative placement in the posts in the Delhi Administration, commensurate with their qualifications and experience, in accordance with an appropriate scheme to be prepared by them, as directed in Smt. Nirmal Rai's case.
- (iii) The respondents shall pay to the applicants regular scales of pay in the corresponding posts while giving them alternative placement in the Delhi Administration. They would also be entitled to the pay and allowances for the

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period from the take over of the Management of the said College till they are given alternative jobs.

(iv) The respondents shall comply with the above directions expeditiously and preferably within a period of three months from the date of receipt of this order. There will be no order as to costs.

7. Let a copy of this order be placed in both the case files.

B.N. Dm. 1/1  
(B.N. Dhomdiyal) 4/7/92  
Administrative Member

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4/7/92  
(P.K. Kartha)  
Vice-Chairman(Judl.)