



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.48/2020

Thursday, this the 8th day of October, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Amit Ranjan aged about 28 Years S/o Sri Umesh Singh (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 05 years) R/O Jawahar Navodaya Vidhalaya Jamui, Bihar. GP – C,
2. Chandan Kumar aged about 34 Years S/o Sri Dayanand Mishra (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 9 years) R/O Jawahar Navodaya Vidhalaya, West Champaran, Bihar. **GP-C..**
3. Praveen Kumar Singh aged about 33 Years S/o Sri Chit Bahal Singh (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 9 years) R/O Jawahar Navodaya Vidhalaya Jaunpur , Uttar Pradesh. GP – C
4. Amit Kumar Mishra aged about 32 Years S/o Sri Ram Kishan Mishra (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 9 years) R/O Jawahar Navodaya Vidhalaya Fatehpur , Uttar Pradesh. GP-C.
5. Sujeet Kumar Upadhyay aged about 38 Years S/o Sri Markandey Upadhyay (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 09 years) R/O Jawahar Navodaya Vidhalaya, Shamli , Uttar Pradesh. GP-C
6. Mukesh Kumar Singh aged about 32 Years S/o Sri Vinod Kumar Singh (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 08 years) R/O Jawahar Navodaya Vidhalaya, Kaushambi , Uttar Pradesh. GP-C .
7. Sandeep Kumar Kushwaha aged about 30 Years S/o Sri Indra pal Singh Kushwaha (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 05 years) R/O Jawahar Navodaya Vidhalaya Lucknow, Uttar Pradesh. **GP-C.**



8. Vijay Patil aged about 29 Years S/o Sri Sant Ram Patil (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 04 years) R/O Jawahar Navodaya Vidhalaya, Saputara , ,Dang, Gujrat, Region Pune . **GP-C.** ..
9. Pranjali Shree aged about 27 Years D/o Sri Subhash Chand Gupta (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 03 years) R/O Jawahar Navodaya Vidhalaya, Sitapur , Uttar Predesh. **GP-C.**
10. Bharat Bhusan Srivastava aged about 39 Years S/o Sri Jitendra Nath Srivastava (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 01 years) R/O Jawahar Navodaya Vidhalaya, Amethi , Uttar Predesh. **GP-C.**
11. Neera Rathore aged 36 Years D/o Sri Mahesh Ram Rathore (Total Service done as a contractual post of Faculty cum system Administrator (FCSA) 06 years) R/O Jawahar Navodaya Vidhalaya, Mahasamund, Chhatisgarh, Bhopal Region. **GP-C.**

...Applicants

(By Advocate: Mr. D K Sharma)

Versus

1. Union of India through the Secretary, Minister of HRD, Department of Education, Govt. of India, Sastri Bhawan, New Delhi.
2. The Secretary, Ministry of Finance , Department of Expenditure, Govt. of India, New Delhi.
3. The Commissioner, Navodaya Vidyalaya Samiti B-15, Institutional Area, Sector 62, Noida (UP)

...Respondents

(By Advocate: Mr. Satish Kumar)

ORDER (ORAL)



Mr. Justice L. Narasimha Reddy:

The applicants were engaged as Faculty-cum-System Administrator (FCSA) in Navodaya Vidyalaya Samiti, the 3rd respondent herein. Their grievance is that despite their being in service for quite a long time on contractual basis with renewal for every ten months, their services are not being regularized. Their second grievance is that the respondents are not paying the minimum pay scale for the post, as recommended by the 7th Central Pay Commission.

2. The applicants contend that the practice adopted by the respondents for appointment on contractual basis and renewal after every ten months is contrary to the law laid down by the Courts and that they are entitled to be extended the benefit of regularization. It is also stated that the salary at the minimum of pay scale is required to be paid to them.
3. The respondents filed a detailed counter affidavit opposing the OA. It is stated that the very arrangement of FCSA is temporary in nature and obviously for that reason, the appointment are made once in every ten months.
4. Heard Mr. D K Sharma, learned counsel for applicants and Mr. Satish Kumar, learned counsel for respondents, through video conferencing.



5. The necessity for us to deal with the matter in detail is obviated on account of the fact that the applicants are not in service from April, 2020 onwards. We do not intend to go into the reasons. Recently, in the month of September, 2020, an Advertisement was issued to engage the FCSA. As of now, the only relief, that can be granted to the applicants, is that the respondents can be required to consider the cases of the applicants on priority basis, duly taking into account, their past experience, in case they apply in response to the Advertisement.

6. We, therefore, dispose of the O.A., leaving it open to the applicants to submit applications in response to the Advertisement. In such an event, the respondents shall consider the cases of the applicants, duly taking into account, the past service rendered by them in the organization.

7. All pending M.As. shall stand disposed of.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 8, 2020
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