

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. 4228/2018



This the 17th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Ms. Priyanka Agarwal
(Age 28 year old)
(Group 'B')
D/o Shri Sant Lal,
R/o 4/1431, Gali No.2
Shalimar Park,
Bholanath Nagar
Shadara -110032.

.. Applicant

(By Advocate : Shri Sahib Gurdeep Singh)

Versus

Govt. of NCT of Delhi
The Chief Secretary
Delhi Secretary
1, Canning Lane, K.G. Marg
New Delhi-110001.

...Respondent No. 1

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Department of Women and Child Development
Allahabad Canning Company
9, Netaji Subhash Marg
Kucha Lal Man
Dariya Ganj,
Delhi - 110006.

... Respondent No. 2

(By Advocate : Shri Girish C. Jha)

ORDER (ORAL)

Hon'ble Ms. Aradhana Johri :-



The applicant was appointed as Welfare Officer on contract basis on a fixed salary of Rs. 15000/- per month in 2010 by respondent no. 2. Vide her appointment letter, she was asked to report for duty on 12.08.2010 and posted in CHG-I, Nirmal Chaya Complex, Jail Road, New Delhi-110064. Thereafter annual renewal of her contract was done along with other Welfare Officers, though somewhat belatedly. Vide letter No. F.6(40)/Admin /WCD /Misc./09 /1/34193-200 dated No. 23.10.2017, respondent no. 2 discontinued the contractual services of the applicant till further orders, stating that the present term of engagement had expired on 31.03.2017. The reason given was that she was not able to produce the document to prove that her name had been sponsored by the Manpower Deployment Agency, ICSIL and other relevant documents.



2. The applicant clarified that she had no interview letter since it was a walk-in interview though she furnished a copy of engagement order and class X certificate as desired from her. She filed an appeal with the respondents which was not acceded to, and then approached this Tribunal which directed the respondents to decide her representation. The respondents vide letter dated 17.09.2018 communicated that since ICSIL had informed vide letter No.ICSIL/Manpower Deptt. of Women & Child Development Deptt./2010 dated 25.05.2010 that there were two Priyankas and the Priyanka who had been sponsored by them was Priyanka D/o Shri Anil Kumar whereas the applicant is Priyanka D/o Shri Sant Lal. Due to this, the respondents expressed inability to place her matter before Lt. Governor for ex-post-facto approval both for her initial engagement and subsequent extensions.

3. The applicant has filed this OA for setting aside order dated 31.10.2017 (the actual order is of 23.10.2017) by which her services were discontinued, order dated 02.05.2018, by which it was



communicated that unless she provides a copy of registration slip with ICSIL, call letter issued by ICSIL for interview and engagement order/offer letter issued by Department of Welfare & Child Development, her case for extension cannot be placed before Lt. Governor. She has also challenged letter dated 17.09.2018 which was passed, rejecting her representations, and after the orders of this Tribunal by which once again the decision not to seek ex-post-facto approval of the Lt. Governor was communicated. She has prayed to be allowed to work on the post of Welfare Officer and be given arrears and back wages right from the date of actual entitlement and appointment i.e. 23.10.2017.

4. It is a contention of the applicant that she was a duly selected candidate and a copy of the sponsorship of ICSIL is not with her nor any interview call letter since it was a walk-in interview. She has supplied the other certificates that were required. She has claimed that her appointment was duly made, she is fully qualified for the job and has worked satisfactorily for seven years. She has also enclosed certain certificates

of good performance. Therefore, after seven years her contract cannot be discontinued on the grounds of certain paper work not being complete.



5. The respondent no. 2 has denied the claims of the applicant. They have stated that the candidate who was sponsored by ICSIL was Ms. Priyanka Singh D/o Shri Anil Kumar whereas the applicant is Ms. Priyanka Agarwal D/o Shri Sant Lal and neither she nor ICSIL have been able to show any proof of her registration and sponsorship. They have also stated that the file relating to her matter is not traceable in the office of respondent no.2 themselves. According to them, since she was not sponsored by the Manpower Deployment Agency. Therefore, her appointment cannot be set to be duly done.

6. Heard Shri Sahib Gurdeep Singh, learned counsel for the applicant and Shri Girish C. Jha, learned counsel for the respondents and perused the file.

7. Certain facts are not controverted which are that the applicant worked for seven long years with the respondent no.2, she had the requisite qualifications



and her work was satisfactorily. Furthermore, the record regarding sponsorship should be with the respondents i.e. the Manpower Deployment Agency and the appointing authority. The applicant cannot be asked to furnish these records simply because the respondents have misplaced the file. She has furnished all other certificates which were required of her. In light of the fact that she has been engaged for seven years and her work has been found satisfactory, the matter of sponsorship now no longer seems to be relevant.

8. We are also constrained to point out that there seems to be certain unhealthy practices being followed by respondent no.2. First of all regular incumbents have not been engaged for several long years and the work is being done through contractual employees. Prior approvals for extension are not taken and the practice of ex-post-facto approvals seem to be followed, which is not robust. Also record maintenance does not seem to be of the highest order because important records seem to be not traceable with the respondents. We also note that the respondents have not stated any

action taken against any staff in case there was any wrong doing in this matter. If there is no any wrong doing on the part of applicant, then there is no reason why she should suffer for no fault of hers.



9. Accordingly, respondent no.2 is directed to renew the contract of the applicant within four weeks from the date of receipt of a certified copy of this order. However, no arrears or back wages will be payable. No orders as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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