



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

O.A. No. 1241/2020  
M.A. No. 1526/2020  
M.A. No. 1527/2020

Today this the 8<sup>th</sup> day of September, 2020

Through video conferencing

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

1. Amar Jeet  
Aged 41 years  
S/o Sh. Ram Kumar  
R/o H.No. 82/6, Narwana Road  
Jind, Harayan Pin 126102  
Presently Working as Craft Instructor At Pusa, Delhi

2. Sandeep  
Aged 33 years  
S/o Sh. Wazir Singh  
R/o H.No. 2604, Urban Estate  
B-Block, Jind Haryana,  
Presently working as Craft Instructor At LHRG ITI Narela,  
Delhi-40

3. Nirdosh Gautam  
Aged 38 years  
S/o Sh. Rajpal Singh  
R/o D-761/9 Street No. 13  
Ashok Nagar, Delhi  
Presently working as Craft Instructor at ITI  
Arab Ki Sarai, Delhi

4. Bhanu Pratap Singh  
Aged 40 years  
S/o Sh Bhikki Mal  
R/o P.P- Neemgaon Raya-Mathura, UP  
Presently working as Craft Instructor At AKS ITI, Delhi

5. Pradeep Kumar  
Aged 34 years  
S/o Sh. Nathu Ram



R/o Village- Tikan Kalan P.O.- Dhani Phogat  
 Dist.- Charkhi Dadri, Haryana Pin-127306  
 Presently working as  
 Craft Instructor at AKS ITI, Delhi

6. Durgesh Kumar  
 Aged 37 years  
 S/o Sh. Chhabbi Nath Ram  
 R/o Village- Ajaipur  
 P.O.- Pindara, Distt.- Varanasi, U.P.  
 Presently working as  
 Craft Instructor At AKS ITI, Delhi

7. Satish  
 Aged 46 years  
 S/o Shri Nathu Singh  
 R/o Vill- Kuri Kamalpur,  
 Post- Mavana, Distt.- Meerut, UP  
 Presently working as  
 Craft Instructor at AKS ITI, Delhi

8. Rajveer Singh  
 Aged 37 years  
 S/o Sh. Bhagwan Singh  
 R/o Village- Dharuhera,  
 Distt.- Rewari, Haryana  
 Presently working as Craft Instructor at AKS ITI, Delhi

9. Preeti  
 Aged 37 years  
 D/o Sh. Satpal  
 R/o Umaa Villahe- H.No. WZ-1095  
 Street No. 11, Sadh Nagar  
 Palam Colony, Delhi,  
 Presently working as  
 Craft Instructor At AKS ITI, Delhi

10. Dharmender  
 Aged 31 years  
 S/o SH. Jagdish  
 R/o V.P.O.- Mandkola  
 Tehsil- Hathin Distt. Palwal,  
 Haryana, Presently Working as  
 Craft Instructor At AKS ITI, Delhi



**11. Satyender**  
 Aged 36 years  
 S/o Sh. Rajender  
 R/o H.No. 635, New Uttam Nagar,  
 Tosham By Pass Road,  
 Ward No. 18, Bhiwani,  
 Presently working as  
 Craft Instructor at Jahangirpuri, Delhi

**12. Manjeet Kumar Singh**  
 Aged 35 years  
 S/o Sh. Devender Pratap Singh  
 R/o Unique Royal Tower-II,  
 Behram Pur, Akhbar Pur  
 Ghaziabad, U.P. presently working as  
 Craft Instructor At Shahdara, Delhi

**13. Sunil Kumar Shrivastav**  
 Aged 43 years  
 S/o Sh. Lalit Prakash Shrivastava  
 R/o B- 1626, GTB Nagar  
 Kawell, Scheme, Allahabad, U.P.  
 Presently working as  
 Craft Instructor At Shahdara, Delhi

**14. Naseeb Singh**  
 Aged 32 years  
 S/o Sh. Balraj Singh  
 R/o VPO- Bandh, Tehsil Israna,  
 Panipat, Haryana-132107  
 Presently Working as  
 Craft6 Instructor At LHRG ITI  
 Narela, Delhi-40

**15. Balwant Singh**  
 Aged 32 years  
 S/o Sh. Mahender Pal  
 R/o H.No.- 34, Gali No.-2  
 VPO-Ramgarh, Tehsil-Dabwali,  
 Distt.- Sirsa  
 Presently working as  
 Craft Instructor at LHRG ITI  
 Narela, Delhi-40

**16. Sachin**  
 Aged 41 years



S/o Late Sh. Prem Chand  
 R/o H.No. F-287 Lado Sarai  
 Mehrauli, Delhi  
 Presently working as  
 Craft Instructor At ITI Arab Ki Sarai,  
 Delhi

17. Mam Chand  
 Aged 47 years  
 S/o Sh. Tej Ram Saini  
 R/o 96, Main Bazaar Ram Pura,  
 Delhi-110035  
 Presently Working as Craft Instructor At ITI  
 Arab Ki Sarai, Delhi

18. Deepak Kumar  
 Aged 30 years  
 R/o Sh. Parmod Kumar  
 R/o Village- Saharoi  
 Post- Bhanolitah-Khair  
 Aligarh (UP) Presently Working as Craft Instructor  
 At ITI Arab ki Sarai, Delhi

19. Kuldeep Kumar  
 Aged 41 years  
 S/o Late Sh. Om Prakash  
 R/o 524 Street No. 12  
 Mandoli Ext., Delhi-93  
 Presently working as Craft Instructor  
 At ITI Arab ki Sarai, Delhi

20. Shakil Ahmad  
 Aged 40 years  
 S/o Sh. Mojahi Dul Haque  
 R/o S-2/22 4A Fourth Floor  
 Joga Bai Ext. Jamia Nagar,  
 DL-25, Presently Working as  
 Craft Instructor at ITI Arab Ki Sarai  
 Delhi

21. Praveen Kumar  
 Aged 49 years  
 S/o Sh. Fulwari Lal  
 R/o 19/500 Trilok Puri Delhi-91  
 Working as Craft Instructor  
 At ITI Arab Ki Sarai, Delhi



22. Dinesh Kumar  
 Aged 34 years  
 S/o Sh. Sukhanandan,  
 R/o H.No. 1158, Parvatiya Colony  
 NIT Faridabad, Haryana  
 Presently working as Craft  
 Instructor At ITI Arab Ki Sarai, Delhi

23. Amit Kumar Panchal  
 Aged 33 years  
 S/o Sh. Satish Kumar Panchal  
 R/o H.No. 105 Street No. 2  
 Buddha Vihar, Mandoli,  
 Delhi-93, Presently working  
 As Craft Instructor at ITI  
 Arab Ki Sarai, Delhi

24. Mihir Kr. Mishra  
 Aged 49 years  
 S/o Sh. N.K Mishra  
 R/o C-217 First Floor,  
 Pandav Nagar Delhi-92  
 Presently working as Craft  
 Instructor At ITI Arab ki Sarai, Delhi

25. Pritam Singh  
 Aged 51 years  
 S/o Sh. Omkar Singh  
 R/o 5B-42 Flat No. F-1  
 Shalimar Garden, Ext.- 2  
 Shahibad, U.P, GHZ  
 Presently working as Craft Instructor  
 At ITI Arab Ki Sarai, Delhi

26. Krishan Kumar  
 Aged 31 years  
 S/o Dharm Pal Singh  
 R/o 391/B, Ravidas Mandir Marg  
 Gali No. 3, Mandawal  
 Delhi-92  
 Presently working as Craft Instructor At  
 ITI Arab Ki Sarai, Delhi

27. Ajay Kumar  
 Aged 35 years



S/o Sh. Mahesh Chand  
 R/o A-699, Street No. 9  
 Meet Nagar Shahdara,  
 Delhi  
 Presently working as  
 Craft Instructor at ITI Shahdara, Delhi

28. Aarti  
 Aged 37 years  
 S/o Sh. Vijay Singh  
 R/o L-97/A Dilshad Garden  
 Delhi-95  
 Presently working as Craft Instructor  
 At ITI Shahdara, Delhi

29. Rakesh Kumar  
 Aged 47 years  
 S/o Sh. Barkat Singh  
 R/o 1/3594, Ram Nagar,  
 Shahdara, Delhi-32  
 Presently working as Craft Instructor  
 At ITI Shahdara, Delhi

30. Daleep Kumar  
 Aged 43 years  
 S/o Sh. Sohan Lal  
 R/o 27-F, R-Block, Dilshad Garden  
 Delhi  
 Presently working as Craft Instructor  
 At ITI Shahdara, Delhi

31. Monika  
 Aged 36 years  
 S/o Sh. Subhash Verma  
 R/o RZ-24, A Block, Jai Vihar,  
 Najafgarh, Delhi-43  
 Presently working as Craft  
 Instructor at ITI Jaffarpur Delhi

32. Sanjeet Kumar Kajla  
 Aged 33 years  
 S/o Sh. Ramchander  
 R/o House No. 5/49, Vats Colony, Bahadurgarh  
 Tehsil- Jhajjar, Haryana  
 Presently working as Craft  
 Instructor at ITI Jaffarpur, Delhi



33. Virkam Singh  
 Aged 35 years  
 S/o Sh. Suresh Kumar  
 R/o H.No. 121, Village Baprola,  
 Post- Najafgarh, New Delhi  
 Presently working as Craft  
 Instructor at ITI Jaffarpur, Delhi

34. Hemraj Singh  
 Aged 36 years  
 S/o Devi Singh  
 R/o A-6/136-A Janta Flats,  
 Paschim Vihar ND-110063  
 Presently working as Craft  
 Instructor at ITI Jaffarpur, Delhi

35. Anita  
 Aged 37 years  
 S/o Sh. Vijay Kumar  
 R/o VPO-Ujwa Najafgarh  
 New Delhi-73  
 Presently working as Craft  
 Instructor at ITI Jaffarpur, Delhi

36. Anil Kumar  
 Aged 49 years  
 S/o Sh. Phool Singh  
 R/o G-513, Sri Niwas Puri  
 Delhi  
 Presently working as Craft  
 Instructor at ITI Narela, Delhi

37. Jagdeep Dabas  
 Aged 40 years  
 S/o Sh. Raj Singh  
 R/o H.No. 06, Villahe-Sultan Pur  
 Dabas, P.O.-Pooth Khurd,  
 Delhi  
 Presently working as Craft  
 Instructor at ITI Narela, Delhi

38. Yatinder  
 Aged 40 years  
 S/o Sh. P.C. Sharma  
 R/o 38 A Sahid Chander Marg



Uttam Nagar, Delhi  
Presently working as Craft  
Instructor at ITI Narela, Delhi

39. Nirmal Prakash  
Aged 54 years  
S/o Sh. R D Sharma  
R/O First Floor, KU-18,  
Pitam Pura.  
Delhi  
Presently working as Craft  
Instructor at ITI Narela, Delhi

40. Md. Minnatullah  
Age 33 years  
S/o Salamat Ali  
R/o Dhoom Nagar (Modersa Road)  
Landmark Idea Tower Narkatiganj  
West Champaran, Bihar  
Presently working as Craft  
Instructor at ITI, Pusa, Delhi-110011

(Group-'C' Post)  
Subject: Regularization matter ... Applicants  
(By Advocate : Mr. S. K. Malik)

### Versus

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 S/o Shri Nirmal Singh  
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12. Shri Vinod Kumar Sharma  
S/o Shri Mahender Sharma  
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Block Colony, Khair, Aligarh (UP)

13. Shri Pradeep  
S/o Shri Ant Ram  
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.. Respondents

(By Advocate : Mr. H. A. Khan)



## ORDER (ORAL)

**Justice L. Narasimha Reddy:**

The applicants were engaged as Craftsmen Instructors in the Education Department Govt. of NCT of Delhi on contractual basis, at various points of time. It is stated that they have put in more than 10 years of service and when attempts were made for regular recruitment, they have approached this Tribunal as well as Hon'ble High Court and orders were passed at various stages. It is also the case of the applicants that this Tribunal directed the respondents to frame the policy for regularization, and similar direction was also issued by the Hon'ble High Court, but the respondents did not frame any policy in that behalf. It is stated that respondents passed an order dated 11.08.2020 mentioning that a policy has already been framed on 11.06.2019 and nothing more needs to be done.

2. The applicants contend that the policy framed on 11.06.2019 was only to the extent of granting relaxation of age limit, enabling the employees to participate in the selection process and it cannot be treated as a policy for regularization.

3. The respondents passed separate orders on 29.07.2020, 30.07.2020 and 31.07.2020 terminating the contractual service



of the applicants and similarly situated persons. In this O.A., the orders of termination as well as order dated 11.08.2020 are challenged.

4. The applicants contend that they were appointed, on being satisfied about their possessing requisite qualifications and they were also subjected to selection process. They contend that the mere fact that they were appointed on contractual basis, does not entitle the respondents to replace them indiscriminately. They further submit that despite specific directions issued by this Tribunal as well as Hon'ble High Court to frame a policy for regularization, the respondents did not comply with the same and instead, they have dispensed with the services of the applicants.

5. We heard Mr. S. K. Malik, learned counsel for applicants and Mr. H.A. Khan, and Mr. Amit Anand, learned counsel for the respondents at the stage of admission, through video conferencing.

6. A perusal of the OA, or for that matter, the order dated 11.08.2020, discloses the amount of litigation that has ensued at the instance of the applicants, over the past several years. The applicants were engaged on contractual basis, as Craft Instructors. It may be true that they have put in more than 10



years of service and were making efforts to get their services regularized. The fact, however, remains that the only direction issued by the Tribunal or the Hon'ble High Court was that the policy be framed by the respondents in terms of judgment of Hon'ble Supreme Court in **Secretary, State of Karnataka & others v. Umadevi & others**, (2006) 4 SCC 1.

7. In **Umadevi's** case (supra), the Hon'ble Supreme Court expressed its displeasure as regards the appointment of employees on contractual basis, against the regular vacancies and continuing them for years together on contractual basis. It was also directed that as a 'one time measure' the Government and its Agencies shall take steps for regularization of contractual employees working against regular vacancies by granting age relaxation etc. The effort was to subject such candidates also to regular process of selection, by removing the impediments of over age.

8. The plea of the applicants is that the respondents have not framed any policy earlier, as directed by this Tribunal and Hon'ble High Court. However, on 11.06.2019 the Lieutenant Governor framed a policy providing for relaxation of age limits for the contractual employees, like the applicants, to enable them to participate in the selection process. It is not known as



to whether the applicants have availed that facility or not. Once the policy decision was taken to grant age relaxation, enabling the contractual employees to participate in the selection process, there exists a total compliance of the mandate given in **Umadevi's** case (supra) and the directions issued by the Hon'ble High Court and this Tribunal. The order dated 11.08.2020 is the one, that recapitulated the various developments, which have taken place and informed that policy decision taken on 11.06.2019 is a total compliance. We do not find any defect or illegality in this regard.

9. The appointment of the applicants was on contractual basis for a limited period and that was being extended from time to time. The respondents have chosen to discontinue the services of the applicants through separate orders dated 29.07.2020 and 30.07.2020 and 31.07.2020. The applicants can feel aggrieved, if only they are replaced by another set of contractual employees. Even now, we make it clear that the applicants cannot be replaced with another set of contractual employees.

10. We, therefore, dismiss the O.A. declining to interfere with the impugned termination order. We, however, make it clear that in case the respondents intend to engage any contractual

employees for the posts, that were held by the applicants, they shall prefer the applicants. There shall be no order as to costs.



**( A. K. Bishnoi )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

*sunil/ankit/neetu/sd*