

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.742/2013

Date of Decision: 14.02.2020.

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)

1. Jitendrakumar Ishwarlal Patel,
Son of Ishwarlal Bhagvanji Patel,
Date of Birth: 14.06.1978,
Age: 36 years, working/worked as
Primary Teacher (contract), under
Assistant Director of Education,
District Panchayat, Moti Daman, in
Govt. Middle School,
having O/at: Zari, Moti Daman,
District: Daman Pin Code 396 220,
R/at H.No.36/3, Sura Falia, Moti Vankad,
Post Bhimpore, Nani Daman,
Daman & Diu (U.T.), - 396 210.
2. Jignishaben Parsottam Patel,
Daughter of Parsottam Bahgubahi Patel,
Date of Birth: 10.08.1984, Age 29 years,
Working/worked as: Primary Teacher (contract),
Under Assistant Director of Education,
District Panchayat, Moti Daman, in Govt.
Primary School, having O/at Damanwada,
Moti Daman, District: Daman pin code -
396 220. R/at H.No.153/1, Dalwada, Chowky
Falia, Near Airport, Nani Daman, Daman & Diu
(U.T.), Pin Code: 396 210.
3. Nehaben Vinodbhai Tandel,
W/o Vinodbhai Ramjibhai Tandel,
Date of Birth: 09.04.1985, Age 28 years,
working/worked as Primary Teacher (contract)
under Assistant Director of Education,
District Panchayat, Moti Daman, in Govt. Primary
School, having O/at Devka Colony,
Nani Daman, District: Daman Pin Code 396 210.
R/at Doctor Shery, Moti Daman, Daman &
Diu (U.T.) - 396 220.
4. Tandel Kokilaben Kalyanbhai,
Daughter of Tandel Kalyanbhai L,
Date of Birth 07.06.1978, Age: 35 years,
working/worked as Primary Teacher (contract)

under Assistant Director of Education, District Panchayat, Moti Daman, in Govt. Primary School, having O/at: Dalwada, Nani Daman, District : Daman Pin – 396 210. R/at H.No.58/2, Kadaiya Machhiwad, Nani Daman, Daman & Diu (U.T.), Pin Code: 396 210.

5. Madhavi Jayram Tandel,
D/o Jayram Gopal Tandel,
Date of Birth : 22.05.1975, Age: 38 years,
working/worked as Primary Teacher (Contract),
under Assistant Director of Education,
District Panchayat, Moti Daman, in Govt. Primary School, O/at (English Medium),
Nani Daman, District : Daman Pin - 396 210.
R/at 11, Gulabi Bungalow, Parkota Shery,
Nani Daman, Daman & Diu (U.T.), Pin 396 210.
6. Mukta Babulal Shrimali,
d/o Babulal Shankarlal Shrimali,
Date of Birth: 08.12.1984, Age 29 years,
working/worked as: Primary Teacher (contract),
under Assistant Director of Education,
District Panchayat, Moti Daman, in Govt. Primary School, O/at Nani Daman, Dist. Daman 396 210.
R/at HD-405, Radha Madhav Residency, College Road, Dunetha, Nani Daman, Daman & Diu (U.T.),
Pin Code 396 210.
7. Tandel Bijalben Krishnabhai,
D/o Tandel Krishnabhai K., DOB:14.10.1976,
Age 37 years, working/worked as: Primary Teacher (contract), under Assistant Director of Education, District Panchayat, Moti Daman, in Govt. Middle School, O/at Marwad, Nani Daman, District: Daman Pin Code 396 210.
R/at H.No.24/2, Kadaiya Machhiwad, Nani Daman, Daman & Diu (U.T.), Pin Code: 396 210.
8. Halpati Shilpa Dullabh,
D/o Halpati Dullabh Shankar, DOB:20.10.1979,
Age 34 years, working/worked as: Primary Teacher (contract), under Assistant Director of Education, District Panchayat, Moti Daman, in Govt. Middle School, O/at Kathiria, Nani Daman, Dist.: Daman – 396 210.
R/at H.No.515/B, Bandodker Stadium, Zapabar, Nani Daman, Daman & Diu (U.T.) 396 210.
9. Patel Darshana Narottambhai,
D/o Patel Narottambhai Babubhai, DOB:15.06.1979,
Age: 34 years, working/worked as: Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,

Moti Daman, in Govt. Middle School, O/at Kathiria,
Nani Daman, District: Daman Pin Code 396 210.
R/at H.No.10-166/B, Kathiria, Nani Daman,
Daman & Diu (U.T.), 396 210.

10. Nehal Dayanand Yagneshwari,
D/o Dayanand Laxmanrao Yagneshwari, DOB:19.06.1978,
Age:35 years, working/worked as: Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Dholar, Moti Daman, in Govt. Upper Primary School,
O/at Ringanwada, E/M Daman, Dist. Daman – 396 210.
R/at Shree Niwas, H.No.15-55, Sagar Samrat Road,
Khariwad, Nani Daman, Daman & Diu (U.T.) 396 210.
11. Amishaben Gulabbhai Patel,
D/o Gulabbhai Khalsabhai Patel, DOB:07.11.1984,
Age 29 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School, O/at Dabhel,
Nani Daman, Dist. Daman 396 210.
R/at Ghelwad Faliya, Dabhel, Nani Daman, Daman & Diu
(U.T.) - 396 215.
12. Urmilaben Mohanbhai Patel,
W/o Nileshbhai Shankarbhai Patel, DOB: 24.04.1974,
Age 40 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School, O/at Dabhel,
Nani Daman, District: Daman Pin Code 396210.
R/at Amaliya Faliya, Dabhel, Nani Daman, Daman & Diu
(U.T.), Pin Code : 396 215.
13. Meeraben Mohanbhai Patel,
D/o Mohanbhai Chamarbhai Patel, DOB:16.01.1979,
Age: 35 years, working/worked as Primary Teacher (contract)
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School, O/at Dabhel, Nani
Daman, Dist. Daman – 396 210.
R/at Amaliya Faliya, Nani Daman, Daman & Diu
(U.T.) - 396 215.
14. Vaishali Lalbhai Patel,
D/o Lalbhai Babarbhai Patel, DOB: 14.11.1981,
Age: 32 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School, O/at Bharwad Falia,
District: Daman – 396 220.
R/at Masal Chawk, Nani Daman, Opp. New Petrol Pump,
Dutt Sagar Bungalow-I, Nani Daman, Daman & Diu (U.T.),
Pin Code: 396 210.
15. Varshaben Amrutlal Patel,

D/o Amrutlal Patel, DOB: 08.03.1976, Age:37 years, working/worked as Primary Teacher (contract), under Assistant Director of Education, District Panchayat, Moti Daman, in Govt. Primary School, O/at Bhamti, Dist. Daman – 396 220.

R/at H.No.2, Village Bhamti, Moti Daman, Daman, Daman & Diu (U.T.), 396 220.

16. Kavita Udaykumar Damania,
W/o Udaykumar Ganubhai Damania, DOB:11.09.1981,
Age: 32 years, working/worked as Primary Teacher (contract)
under Assistant Director of Education, Dist. Panchayat,
Dholar, Moti Daman, in Govt. Primary School,
O/at Damanwada E/M, Dist. Daman – 396 220.
R/at H.No.14, Village Bhamti, Moti Daman, Daman,
Daman & Diu (U.T.) - 396 220.
17. Patel Madhuri Chhotubhai,
D/o Patel Chhotubhai Vestabhai, DOB:01.06.1978,
Age 36 years, working/worked as Primary Teacher (contract)
under Assistant Director of Education, District. Panchayat,
Moti Daman, in Govt. Primary School, O/at Moti Vankad,
Nani Daman, Dist. Daman – 396 210.
R/at Zari School Faliya, Moti Daman, Daman & Diu
(U.T.) - 396 220.
18. Dhodi Manuben Babubhai
D/o Dhodi Babubhai Bhagu, DOB: 30.09.1978,
Age: 35 years, working/worked as Primary Teacher (contract)
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School, O/at Pariyari,
Moti Daman, Dist. Daman – 396 220.
R/at Zari School Faliya, Moti Daman, Daman & Diu
(U.T.) - 396 220.
19. Jayaben Natvarlal Dhodi
D/o Natvarlal Jivanbhai Dhodi, DOB: 14.01.1983,
Age 31 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, Dist. Panchayat,
Moti Daman, in Govt. Primary School, O/at Zari, Moti
Daman, Dist. Daman – 396 220.
R/at Zari, Katha Falia, Moti Daman, Daman & Diu
(U.T.) - 396 220.
20. Jyotiben Chhotubhai Patel
D/o Chhotubhai Bapudbhai Patel, DOB:29.12.1975,
Age 38 years, working/worked as Primary Teacher (contract)
under Assistant Director of Education, Dist. Panchayat,
Moti Daman, in Govt. Primary School, O/at Naila Pardi,
Moti Daman, Dist. Daman – 396 220.
R/at 7/3, Zari, Katha Falia, Moti Daman, Daman & Diu
(U.T.) - 396 220.

21. Chandanben Manilal Patel
D/o Manilal Bavabhai Patel, DOB: 15.12.1974,
Age: 39 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Dholar, Moti Daman, in Govt. Primary School,
O/at Ambawadi, Daman, Dist. Daman – 396 220.
R/at 02, Kaushal Apartment, Ambawadi, Moti Daman,
Daman & Diu (U.T.) - 396 220.
22. Jignaben Gulabbhai Patel
D/o Gulabbhai Jaganji Patel, DOB:15.03.1982,
Age: 32 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School,
O/at Khariwadi, Nani Daman, Dist. Daman – 396 210.
R/at 46/2, Ghelwad Faliya, Dabhel, Nani Daman,
Daman & Diu (U.T), Pin Code: 396 210.
23. Alpaben Jagdishbhai Patel,
W/o Jagdishbhai Dayalbhai Patel, DOB:13.05.1978,
Age: 36 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School,
O/at Dabhel, Nani, Daman, Dist. Daman – 396 210.
R/at Ghelwad Faliya, Nani Daman, Daman & Diu (U.T.)
Pin Code: 396 210.
24. Ranjanben Babubhai Patel
d/o Babubhai Dayabhai Patel, DOB: 18.10.1974,
Age 39 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School,
O/at Dunetha, Nani Daman, Dist. Daman – 396 210.
R/at 15/95, Khariwadi, Nani Daman, Daman & Diu (U.T.),
Pin Code : 396 210.
25. Nitaben Balvantbhai Patel
d/o Balvantbhai Bhulabhai Patel, DOB:10.05.1985,
Age 29 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School,
O/at Bhimpore, Nani, Daman, Dist. Daman 396 210.
R/at H.No.18/7, Patel Faliya, Moti Vankad, Nani Daman,
Daman & Diu (U.T) – 396 210.
26. Jyotiben Narayan Talekar
d/o Narayan Keshavrao Talekar, DOB:13.07.1976,
Age 37 years, working/worked as: Primary Teacher (contract)
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School.
O/at Moti Daman, Dist. Daman – 396 220.

R/at 1/177, Prabhu Faliya, Nani Daman, Daman & Diu (U.T.), Pin Code 396 210.

27. Chetanbhai Motibhai Patel
Son of Motibhai Madhavbhai Patel, DOB: 13.08.1976,
Age:37 years, working /worked as: Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School,
O/at Marwad, Nani, Daman, District: Daman – 396 210.
R/at Mota Ghar Faliya, Marwad, Nani Daman, Daman & Diu (U.T.), Pin Code: 396 210.
28. Parimalkumar Khalpabhai Patel
son of Khalpabhai Ranchhodbhai Patel, DOB:16.04.1981,
Age: 33 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School,
O/at Damanwada, Moti Daman, Dist. Daman – 396 220.
R/at Bheshroad, Koliwad, Nani Daman, Daman & Diu (U.T.) Pin Code: 396 210.
29. Kantibhai Ranchhodbhai Patel
son of Ranchhodbhai Kalidas Patel, DOB:07.07.1976,
Age: 37 years, working/worked as: Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School.
O/at Dalwada, Nani Daman, Dist. Daman – 396 210.
R/at School Faliya, Dalwada, Behind Basukinath Temple,
Nani Daman, Daman & Diu (U.T.) - 396 210.
30. Anjana Manish Patel
w/o Manish Narandash Patel, DOB: 23.01.1983,
Age 31 years, working/worked as Primary Teacher (contract)
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School,
O/at Kadaiya, Moti Daman, Dist. Daman – 396 210.
R/at Motivankad School Faliya, Bimpore Panchayat,
Nani Daman, Daman & Diu (U.T.) - 396 210.
31. Talekar Pragnaben Narhari
d/o Narhari Bhikhubhai Talekar, DOB: 15.10.1981,
Age 32 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Higher Secondary School,
O/at Moti Daman, Moti Daman, Dist. Daman – 396 220.
R/at H. No.1/106, Kasarwad, Nani Daman, Daman & Diu (U.T.) - 396 210.
32. Smt. Chetnaben Manilal Kamil,
d/o Manilal Vallabhbhai Kamli, DOB: 11.06.1985,
Age: 28 years, working/worked as Primary Teacher (contract)
under Assistant Director of Education, District Panchayat,

Moti Daman, in Govt. High School.
 O/at Varkund, Nani Daman, District Daman – 396 210.
 R/at Simar Faliya, Varkund, Nani Daman, Daman & Diu
 (U.T.) - 396 210.

33. Hetanaben Vitthalbhai Damania,
 d/o Vitthalbhai Dahyabhai Damania, DOB:20.10.1981,
 Age: 32 years, working/worked as Primary Teacher (contract),
 under Assistant Director of Education, District Panchayat,
 Moti Daman, in Govt. Middle School.
 O/at Devka, Nani Daman, District: Daman – 396 210.
 R/at Bhimpore, Char-Rasta, Nani Daman, Daman & Diu
 (U.T.), Pin Code: 396 210.
34. Patel Vinodkumar Vasantbhai,
 son of Vasantbhai Morarbhai Patel, DOB:22.03.1979,
 Age:34 years, working/worked as Primary Teacher (contract),
 under Assistant Director of Education, District Panchayat,
 Moti Daman, in Govt. Primary School.
 O/at Jampore, Moti Daman, Dist. Daman – 396 220.
 R/at H.No.550/3, Magarwada, Bharwad Faliya, Moti Daman,
 Daman & Diu (U.T.), Pin Code : 396 220.
35. Tejal Vasanttrao Yagneshwari,
 d/o Vasantbhai Tukaram Yagneshwari, DOB: 10.06.1984,
 Age 30 years, working/worked as Primary Teacher (contract)
 under Assistant Director of Education, District Panchayat,
 Moti Daman, in Govt. Primary School.
 O/at Varkund, Nani Daman, Dist. Daman – 396 210.
 R/at H.No.221-7/10, Zala-Plot, Mangelwad, Moti Daman,
 Daman & Diu (U.T.) Pin Code: 396 220.
36. Maheshbhai Ranchhodbhai Patel,
 son of Ranchhodbhai Kalidas Patel, DOB: 25.09.1979,
 Age: 34 years, working/worked as: Primary Teacher (contract)
 under Assistant Director of Education, District Panchayat,
 Moti Daman, in Govt. Middle School.
 O/at Kadaiya, Nani Daman, Dist. Daman – 396 210.
 R/at School Faliya, Dalwada, Behind Basukinath Temple,
 Nani Daman, Daman & Diu (U.T.) - 396 210.
37. Dipika Ramesh Patel,
 d/o Ramesh Mohan Patel, DOB: 23.06.1984,
 Age: 29 years, working/worked as Primary Teacher (contract),
 under Assistant Director of Education, District Panchayat,
 Moti Daman, in Govt. Primary School.
 O/at Bhimpore, Nani Daman, Dist. Daman – 396 210.
 R/at Bheshroad, Koliwad, Nani Daman, Daman & Diu
 (U.T.), Pin Code: 396 210.
38. Reenaben Balubhai Patel,
 w/o Subhasbhai Gopalbhai Patel, DOB: 19.11.1981,

Age 32 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School (E/M),
O/at Nani Daman, Dist. Daman – 396 210.
R/at H.No.15/120, Patel Faliya, Khariwadi, Nani Daman,
Daman & Diu (U.T.) - 396 210.

39. Vibhaben Rasiklal Solanki,
d/o Rasiklal Mandan Solanki, DOB:11.06.1983,
Age:30 years, working/worked as Primary Teacher (contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School (E/M).
O/at Nani Daman (Daman, District Daman – 396 210).
R/at 301, Dhanhari Apartment, Near Sai Kripa-2, Mashal
Chalk, Nani Daman, Daman & Diu – 396 210.
40. Solanki Neeshaben Ramji,
d/o Ramji Karsan Solanki, DOB: 16.03.1982,
Age 31 years, working/worked as Primary Teacher (contract),
under Education Officer, District Panchayat Diu, in Govt.
Primary School No.2, Vanakbara.
O/at Vanakbara, Diu – 362 570.
R/at H.No.220, Mahakali Hotel, Aazad Chowk, Vanakbara,
Diu – 362 570.
41. Doshi Sejal Nandkishor,
d/o Doshi Nandkishor Bhupatray, DOB:10.08.1979,
Age 34 years, working/worked as Primary Teacher (contract),
under Education Officer, District Panchayat, Diu, in Govt.
Primary School, O/at Kevdi, Diu.
R/at Randal Shari, Diu – 362 520.
42. Chauhan Hemant Jeraj,
s/o Chauhan Jeraj Laxman, DOB: 15.06.1980,
Age 33 years, working/worked as Primary Teacher (contract),
under Education Officer, District Panchayat, Diu, in Govt.
Primary Middle School. O/at Nagoa, Diu.
R/at Savli Niwas, Darma Street, Ghoghla, Diu – 362 540.
43. Solanki Yogeshbhai Bhikha,
s/o Solanki Bhikhabhai Laxman, DOB: 28.10.1978,
Age: 34 years, working/worked as Primary Teacher (contract)
under Education Officer, District Panchayat, Diu, in
Govt. Primary School. O/at Bucharwada, Diu – 362 520.
R/at H. No.720, Koliwada Masjid Road, Ghoghla,
Diu – 362 540.
44. Solanki Lalji Karsan,
s/o Solanki Karsan Varjang, DOB: 01.06.1977,
Age: 36 year, working/worked as Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu, in Govt.
Middle School (Boys), O/at Vanakbara, Diu – 362 570.

R/at H.No.797, Timbasher, Vanakbara, Diu – 362 570.

45. Kamalia Chetna Lalji,
d/o Kamalia Laljibhai Bimjibhai, DOB: 22.09.1975,
Age: 36 years, working/worked as Primary Teacher (contract),
under Education Officer, District Panchayat, Diu, in Govt.
Middle Girls School, O/at Ghoghla, Diu – 362 520.
R/at "DHRUV", H.No.218-B, Near Church, Firangiwada
Road, Diu, Pin Code: 362 520.
46. Bariya Bharti Deva,
d/o Devabhai Sidibhai Baraiya, DOB:02.01.1986,
Age:27 years, working/worked as: Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu, in Govt.
Primary School No.2, O/at Vanakbara, Diu – 362 570.
R/at H. No.1356, Janaki Niwas, Khavvawada, Vanakbara,
Diu – 362 570.
47. Anita Keshavlal Rathod,
w/o Jayanti B. Chauhan, DOB: 09.06.1980,
Age: 33 years, working/worked as Primary Teacher (Contract),
under Assistant Director of Education, District Panchayat,
Moti Daman, in Govt. Primary School,
O/at Moti Daman, Patlara, Diu – 396 220.
R/at C/8-C Govt. Quarters, Fort Area, Moti Daman, Dadra
& Nagar Haveli (UT), Pin Code 396 220.
48. Bariya Jignasha P.,
d/o Bariya Premji Vira, DOB:22.08.1983,
Age 29 years, working/worked as Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu, in Govt.
Middle School (Boys), O/at Ghoghla, Diu – 362 520.
R/at (OIDC) Complex, H.No.A-06, Diu – 362 540.
49. Vaghela Jalpa Kishorbhai,
d/o Vaghela Kishorbhai T., DOB: 15.10.1983,
Age 30 years, working/worked as Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu, in Govt.
Primary School No.3, O/at Ghoghla, Diu – 362 540.
R/at H. No.505/5, Main Road, Ghoghla "Vishram",
Diu – Code – 362 540.
50. Minaxi Jivraj Baria,
d/o Jivraj Pancha Baria, DOB: 02.08.1981,
Age: 32 years, working/worked as Primary Teacher (Contract),
under Education Officer, Dist. Panchayat, Diu, in Govt.
Middle School, O/at Bucharwada, Diu – 362 540.
R/at Sorathiya Street, "Jay Jalaram Niwas",
Diu, Pin Code - 362 520.
51. Nanditaben Mukesh Vaja,
w/o Mukesh N. Vaja, DOB:19.04.1980, Age: 33 years,

working/worked as Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu, in
Govt. Middle School (Boys).
O/at Ghoghla, Diu. R/at Main Road, Gandhipara,
Diu – 362 520.

52. Kazi Wazedali Bashirahmed,
s/o Kazi Bashirahmed Mustafamiya, DOB:30.11.1982,
Age: 31 years, working/worked as Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu in
Govt. Middle School (Girls), O/at Vanakbara – Diu -
362 540. R/at H. No.929, Hajiyawada, Zampa Road,
Diu, Pin Code: 362 520.
53. Baria Pragati Meghji,
d/o Meghji Harji Baria, DOB: 18.02.1987, Age 26 years,
working/worked as Primary Teacher (Contract), under
Education Officer, District Panchayat, Diu, in Govt.
Primary School No.2-. O/at Vanakbara, Diu – 362 570.
R/at H.No.1940, Mithiwadi, Vanakbara, Diu – 362 570.
54. Jethwa Hemangi Jitendrabhai,
d/o Jethwa Jitendrabhai Samji, DOB:17.05.1986,
Age: 27 years, working/worked as Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu, in Govt.
Primary School No.1, O/at Diu – 362 520.
R/at Police Quarters, A-9, Gandhipara, Diu – 362 520.
55. Makwana Dixitaben Nanji,
d/o Makwana Nanji Bhikha, DOB:20.10.1983,
Age: 29 years, working/worked as Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu in Govt.
Middle School (Girls), Diu. O/at Diu – 362 520.
R/at Behind D.M.C., Parsiwada Road, Diu – 362 520.
56. Jethwa Yatinkumar Bhagvandas,
s/o Bhagvandas Karmchand Jethwa, DOB:02.09.1976,
Age: 37 years, working/worked as Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu, in Govt.
Middle School-Dagachi, O/at Dagachi – 362 540.
R/at Lal Bahadur Shastri Marg, H.No.1274, Ghoghla,
Diu (U.T.) - 362 540.
57. Solanki Geetakumari Hardas,
w/o Solanki Navnit Premji, DOB: 29.10.1982,
Age: 31 years, working/worked as Primary Teacher (Contract),
under Education Officer, District Panchayat, Diu, in Govt.
Primary School No.2, O/a Ghoghla – 362 540.
R/at H.No. 744, Saranagar, Prem Bhuvan, Ghoghla,
Diu (U.T.), Pin Code: 362 540.

... Applicants

(Advocate Shri R.G. Walia)

VERSUS

1. Union of India through
The Secretary, Ministry of Home Affairs,
North Block, Central Secretariat, New Delhi 110 001.
2. District Panchayat, through its
President, Office at Dholar, Moti Daman,
Pin Code- 396 220.
3. The Administrator, Union Territory of
Diu, Daman and Dadra & Nagar Haveli, Secretariat
Moti Daman - 396 220.
4. The Secretary, UT Administration of Daman &
Diu, O/at Panchayati Raj Institution, Daman
& Diu (UT), Moti Daman,
Pin Code – 396 220.

... Respondents

(Advocate Shri V.S. Masurkar)

ORDER (Oral)

Per : R.N. Singh, Member (J)

The present OA has been filed by the applicants, 57 in number, under Section 19 of the Administrative Tribunals Act, 1985 to challenge the order dated 01.07.2013 (Annx. A-1), passed by the respondents whereby the services of the Assistant Teachers which were regularized vide order dated 13.06.2013 have again been restored on contract basis in the Primary School under the Administrator of Union Territory of Daman & Diu, Daman. The Applicants have also challenged the order dated 22.07.2013 passed by the Respondent No.4 whereby the order(s) of regularization of the services of the

applicants have been suspended with further directions to put the applicants again on contract basis.

2. The Applicants have prayed for the following reliefs;

"8.a) This Hon'ble Tribunal will be pleased to call for the records and proceedings of the case which led to the passing of the impugned order dated 01.07.2013 and after going through its validity legality, constitutionality, propriety, quash and set aside the same with grant of all consequential benefits which flows from order dated 13.06.2013.

8.(a)(i) This Hon'ble Tribunal will be pleased to call for the records and proceedings of the case which led to the passing of the impugned order dated 22.07.2013 and after going through its validity, legality, constitutionality, propriety, QUASH AND SET ASIDE THE SAME with grant of all consequential benefits which flows from order dated 13.06.2013.

8.b) This Hon'ble Tribunal will be pleased to hold and declare that the order dated 13.06.2013 issued by Respondent No.2 regularizing the services of the applicants as Teachers cannot be interfered with or suspended by Respondent Nos.3/4.

8.c) Any other and further orders as this Hon'ble Tribunal may deem fit, proper and necessary in the facts and circumstances of the case.

8.d) Cost of this Original Application be provided for."

3. The Applicants have filed MA No.Nil dated 09.12.2013 seeking permission to file the present OA jointly. Learned counsel for the applicants submits that the applicants are similarly placed and are aggrieved of the

same impugned order(s) and in the present OA they have prayed for the similar reliefs and thus they are entitled for permission to file the present OA jointly. For the reasons recorded there in the MA and keeping in view no objection from the learned counsel for the respondents, **MA is allowed.**

4. The precise facts leading to the present OA are that an Advertisement dated 11.09.2006 (Annex. A-3) was issued by the District Panchayat (Department of Education) Daman and Diu, Daman inviting applications from local eligible candidates for the posts of Assistant Teachers for Primary School on contract basis in the Pay Scale of Rs.4500-7000. It was incorporated in the said Advertisement that applications are invited from Local Eligible persons to fill up 42 Regular Posts of Primary Teachers and 63 Post of Primary Teachers on contract basis under S.S.A scheme in primary schools run by District Panchayat & Daman Municipal Council in the U.T. of Daman and Diu. As prescribed in the said advertisement itself, a provision was made for declaration from the candidates to the following effect:

"I hereby declare on oath that the above information is correct and complete to the best of my knowledge and belief and nothing has been concealed distorted. If at any time I am found to have concealed/distorted any material information my appointment shall be liable to summary termination without notice/compensation."

5. In pursuance to the aforesaid Advertisement, the applicants have applied and they have undergone written test and other formalities for being considered for the said appointment and on being found successful in the said selection process, the applicants were issued appointment order(s) during the year 2006-2007 and they are still continuing from that date under the respondents' department i.e. Sarva Shiksha Abhiyan, Union Territory of Daman and Diu, Daman Mission Authority provided that the applicants were appointed as Assistant Teachers, Primary School on daily wages/contract basis for a period of 89 days.

6. Besides other terms and conditions noted therein, the said OM also provided therein that "he/she shall have no right for regular appointment on the post in future." Subsequently, vide order dated 09.02.2009

(Annex. A-17) with the approval of President of District Panchayat, the applicants were offered the posts of Assistant Teacher, Primary School on officiating basis.

7. The grievance of the applicants in the present OA is that once the applicants have participated in the selection process in pursuance to the Advertisement and on being found successful they were appointed to the post(s) though on contract basis, however subsequently after due deliberation they have been appointed as Assistant Teachers w.e.f. 01.07.2013, suspension of their regularization to the post(s) or to reverting them to their original status of Assistant Teacher on contract basis, that too without notice is illegal and arbitrary.

8. Learned counsel for the applicants argues that the President of the Panchayat is the competent authority and once as a conscious decision the competent authority has initially appointed the applicants on probation and after completion of their probation has approved their appointment on regular basis w.e.f. 01.07.2013, their

reversion from the regular posts to their status on contract basis is illegal. He also argues that the authority who had issued the impugned orders is not the competent authority. To substantiate his such submission that regularization has been done by the competent authority i.e. the President of the District Panchayat, learned counsel for the applicants has referred to various documents available on records.

9. In response to the notice issued from this Tribunal, the respondents have filed a detailed reply. Shri Masurkar, learned counsel for the respondents with the assistance of the reply affidavit filed on behalf of the respondents submits that in the advertisement as well as in the offer of appointment it was clearly mentioned that the recruitment is only under the Sarva Shiksha Abhiyan, Mission Authority and the same exclusively falls under the control and domain of the Administrator of Union Territory of Dadra & Nagar Haveli and the President of the Panchayat is not the

competent authority. He further argues that even if the Panchayat concerned is competent to make appointment of the Teachers against the regular vacancies under the Panchayat, the Panchayat concerned is not competent to make appointments or to regularize the persons appointed on contract or daily wage basis against the vacancies falling under the Sarva Shiksha Abhiyan, Mission Authority. He also argues that the Administrator of Union Territory or any competent authority of Sarva Shiksha Abhiyan, Mission Authority is always competent to supervise and take corrective measure against the order(s) and decision(s) of the Panchayat under the said Union Territory and by invoking such jurisdiction, the authority concerned of the Union Territory has issued the impugned order(s) and there is no illegality or irregularity in the impugned order(s). He also argues that the present OA is *pre-mature* inasmuch as it is the admitted case of the applicants that aggrieved of impugned orders dated 01.07.2013 and 22.07.2013, the applicants have preferred an appeal through proper

channel to the Administrator of the said Union Territory on 30.09.2013 (Annex. R-4) and even before consideration or disposal thereof by the Administrator of Union Territory, the applicants have rushed to this Tribunal on 09.12.2013 by way of the present OA. He further argues that the applicants have been continuing under the respondents in view of the interim order passed by this Tribunal.

10. We have perused the pleadings on record and we have also considered the submissions made by the learned counsels for the parties.

11. Learned counsel for the applicants has though taken us to various documents on record to contend that the President is the only competent authority for appointment to the posts of Assistant Teacher under the Panchayat and the said authority only has passed orders for regularization of the applicants, however, he has not been able to dispute that the applicants have themselves preferred appeal dated 30.09.2013 or identical representations before the Administrator of the concerned Union

Territory. Though on record, there is only an appeal dated 30.09.2013 along with counter-reply of Respondent Nos.3 & 4, however, the learned counsel for the applicants submits that identical representations were preferred by the other applicants as well. In the said appeal dated 30.09.2013, the applicant has submitted that once the appointment of any employee is carried out by the employer with the prevailing Recruitment Procedure, the employee cannot be held responsible for any fault for the procedure adopted by the District Panchayat or for its lacking competency for the same. The Applicant has himself asserted therein that due to publishing of new Panchayat Regulation 2012, the power regarding appointment, etc to Group 'A' & 'B' posts is not within the power of District Panchayat as the post of Assistant Teacher now falls under Group 'B' non-gazetted for that being under the Grade Pay of Rs.4200/- which was earlier in Group 'C'.

12. In view of the above, it is evident that once the post of Assistant Teacher has become a Group 'B' post, the District

Panchayat is not the competent authority for appointment or regularization of the contractual Teachers. The applicants have made representation(s) for suspension of the impugned orders dated 01.07.2013 and dated 22.07.2013 and the same are admittedly pending consideration of the Administrator.

13. At this stage, the learned counsel for the applicants submits that as in the aforesaid representation all the grounds could not be raised by the applicants, a liberty may be accorded to the applicants to make a comprehensive supplementary/additional representation.

14. In view of the aforesaid facts and circumstances, without going into the merits of the claim of the applicants, we dispose of the OA with liberty to the applicants to make a comprehensive supplementary/additional representation. The applicants may prefer supplementary/additional representation, if they so desire, within a fortnight from today and with directions to Respondent No.1 to consider the applicants' representations and to dispose of the same by passing a reasoned and speaking order as

expeditiously as possible and in any case within six weeks of receipt of additional/supplementary representation from the applicants, if the same is preferred within the time stipulated in the present order.

15. The OA is disposed of in the aforesaid terms. No order as to costs.

16. However, in the facts and circumstances, till the applicants' representations are decided by the respondents, the respondents are directed to maintain *status-quo* with regard to the services of the applicants as of today.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

dm.

JD
09/03/2020

