



## **Central Administrative Tribunal Jammu Bench, Jammu**

O.A. No.861/2020

Wednesday, this the 30<sup>th</sup> day of September, 2020

(Through Video Conferencing)

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

Shifali Raina age 29 years W/o Rahul Sharma & D/o Ashok  
Kumar R/o Ward No. 4, Ram Gali, Reasi.

...Applicant

(Mr. Jasbir Singh Jasrotia, Advocate)

Versus

1. Union Territory of J&K, through Commissioner Secretary  
Technical Education Department Civil Secretariat Jammu.
2. Director Technical Education Department, J&K Jammu.
3. Joint Director Technical Education Department, J&K  
Jammu.
4. Superintendent Industrial Training Institute, Reasi.

...Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

**O R D E R (ORAL)****Justice L. Narasimha Reddy:**

The respondents issued an Advertisement on 13.11.2019 inviting applications for engagement of Guest Instructors in Govt. ITI Reasi, in various trades, on academic arrangement. The applicant was chosen as a Lecturer (Guest Instructor) under the Self Financing Scheme on the honorarium of Rs.250/- per lecture, subject to maximum of Rs.7500/-, and order of appointment was issued on 11.01.2020. No period is mentioned therein. The apprehension of the applicant is that she is likely to be replaced by another Guest Instructor. This O.A. is filed with a prayer to direct the respondents not to disengage the applicant or to replace her by another Guest Instructor.

2. We heard Mr. Jasbir Singh Jasrotia, learned counsel for applicant and Mr. Rajesh Thapa, Deputy Advocate General, at the stage of admission, through video conferencing.

3. The applicant was chosen as Lecturer (Guest Instructor) by the respondents in pursuance of the Advertisement issued on 13.11.2019. The remuneration also mentioned as Rs.250/- per lecture, subject to maximum of Rs.7500/-, but no tenure is mentioned in the order. Assuming that the respondents are making academic arrangements every year, one contractual



employees cannot be replaced year after year. It is always open to them, to make regular appointments. If, on the other hand, posts are in respect of a Self Financing Scheme, even the contractual appointment needs to be continued as long as the scheme remains or till the regular appointment is made, whichever is earlier. The replacement of one contractual employee with another every year cannot at all be treated as a step towards good governance. The livelihood of unemployed persons cannot be subjected to such vagaries.

4. We, therefore, dispose of the O.A. with a direction to the respondents that the applicant shall not be replaced by another Lecturer (Guest Instructor). It is made clear that the tenure of the applicant shall be co-extensive with the Self Financing Scheme or till regular appointment is made.

There shall be no orders as to costs.

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

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

**September 30, 2020**

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