

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 411/2004
OA No.1764/2004

New Delhi this the 11th day of February, 2005

Hon'ble Mr. V.K.Majotra, Vice Chairman (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

1. Shri Gyan Prakash,
S/O Shri Tura Ram,
R/O B-661, New Seema Puri,
New Delhi.
2. Shri Mukesh Kumar,
S/O Shri Fatesh Singh,
R/O H.No.1164, Jatav Mohalla,
Najafgarh, New Delhi.
3. Shri Ram Pratap,
S/O Shri Ram Khelwan,
R/O A-3/460, Nand Nagri,
New Delhi-110093
4. Shri Jai Prakash,
S/O Shri Tura Ram,
R/O B-661, New Seema Puri,
New Delhi-110095
5. Smt. Rajjo Devi,
W/O Shri Manoj Kumar,
R/O D-32, New Seema Puri,
New Delhi-110095

..Petitioners

(By Advocate Shri K.N.Bahuguna)

VERSUS

1. Shri Raghu Nath,
Chief Secretary,
Govt. of NCT of Delhi
Sachivalaya, ITO, New Delhi.
2. Shri Rajendra Kumar,
Director of Education,
Old Secretariat, Delhi.
3. Shri B.B.Singh,
Dy. Director of Education,
Distt. North East,

W



B-Block, Yamuna Vihar, Delhi.

..Respondents

(By Advocate Shri George Paracken)

ORDER (ORAL)

Hon'ble Mr. V. K. Majotra, Vice Chairman (A)

OA 1764/2004 was disposed of vide order dated 23.7.2004 with the following observations/directions:

" Having regard to the fact that the matter as raised by the applicants in this OA seeking appropriate relief is already pending with the respondents, I am of the considered opinion that it would be proper to dispose of this OA at this stage itself while hearing on the point of admission without awaiting any reply from the respondents with directions that they consider the representations of the applicants as are pending with them and dispose them of after giving due consideration to the request as made in the representations and to dispose them of by issuing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

As prayed for by the learned counsel for the applicants, a copy of this OA is also being sent to the respondents with direction that the same may be treated as another representation of the applicants and considered together with the representations already pending with them in the manner and within the period as indicated above".

Learned counsel of the applicants pointed out that Hon'ble High Court vide their order dated 23.3.204 in Writ Petition (C) 3660-64/2004 made the following observations and directions:

" Petitioners appointed on part-time basis. Their services were later terminated on the ground that they were engaged contrary to the policy which had banned such engagements. They have filed OA before Tribunal challenging the termination of their services and asking for their re-engagement. But the Tribunal dismissed their OA. Petitioners have now filed this writ petition challenging the Tribunal order.

On consideration of the matter, respondents' counsel was required to seek instructions whether they could accommodate these petitioners in case of need/requirement. Their counsel, Mr. Madan on instructions states that petitioners be considered for engagement as and when any such exercise was undertaken in efflux of time. Petition is dismissed. It is also directed that petitioners can seek appropriate consideration for their engagement as and when any such exigencies arises to their knowledge".



Learned counsel contended although the respondents had given assurance to the Hon'ble High Court that applicants would be engaged, the respondents have not complied with the directions of this Court as also of the Hon'ble High Court. Vide order dated 9.2.2005 filed by the respondents today representations of the applicants have been rejected stating that the Government have taken a policy decision to ban all part-time employment and that no exercise to engage any part-time worker in the department has been initiated or is in progress.

The Hon'ble High Court had directed that applicants claims be considered for engagement "as and when any such exercise is undertaken in efflux of time". The respondents had stated that no such exercise has been carried out by them. Applicants have also not pointed out that any such exercise has been carried out and some other persons have been engaged. In this view of the matter, respondents have complied with directions of this Court contained in order dated 23.7.2004. No contempt has been made out. CP is dropped. Notices are discharged.



• (Mrs.Meera Chhibber)
Member (J)



(V. K. Majotra)
Vice Chairman (A)

11.2.05