

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/709/2021

This the 28th day of April, 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. DINESH SHARMA, MEMBER (A)**

Prakash Singh, Age 28 years, S/o Sh. Narinder Singh, R/o Village Leoundi, Tehsil Atholi (Paddar), District Kishtwar-182204.

.....Applicant

(Advocate:- Mr. Sachin Kumar Sharma)

Versus

1. Union Territory of Jammu and Kashmir through Principal Secretary to Government, Department of Skill Development, Civil Secretariat, Jammu-180001.
2. Director, Skill Development Department, Government of J&K, Bikram Chowk Jammu-180001.
3. Joint Director, Jammu Province, Skill Development Department, Bikram Chowk, Jammu-180001.
4. Principal, Govt. Industrial Training Institute, Shaheedi Road, Kisthwar, J&K-182204.

.....Respondents

(Advocate: Mr. Rajesh Thappa, learned D.A.G. for Mr. Sudesh Magotra, learned D.A.G.)

**O R D E R
[O R A L]**

(Delivered by Hon'ble Mr. Dinesh Sharma, Member-A)

The case of the applicant is that he was appointed as Guest Faculty in ITI, Kishtwar on contractual basis. Now, he has come to know that his services are going to be dispensed with and the respondents are going to substitute him by another person on contract basis which is impermissible under law.

2. Learned counsel for the applicant submits that as per law laid down by the Hon'ble Apex Court contractual employee cannot be substituted by another contractual



employee and the employer should retain his services till a regular appointment is made and the citations of Hon'ble Apex Court have been mentioned in the O.A.



3. Looking to the facts of the case, the O.A. is disposed of with direction to the respondents to follow the law laid down by the Hon'ble Apex Court, if they wish to engage another person as Guest Faculty in Govt. Industrial training Institute, Kisthwar.
4. It is made clear that we have not entered into the merits of the case.
5. There shall be no order as to cost.

(DINESH SHARMA)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)