



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI**

**O.A. No.2032/2021
MA No.2586/2021
MA No.2588/2021**

This the 17th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Vrihaspati Tripathi
Aged 31 years, DOB: 10.01.1990
S/o Sh. Daya Shankar Tripathi
R/o H.No.12, Gali No.9, Block-D,
Swaroop Vihar, Kadipur, Delhi-110036.
Group-B.
2. Saurabh Tiwari,
Aged about 36 years, DOB:02.10.1984
s/o Sh. Vimal Chandra Tiwari
R/o 3A/74, Azad Nagar, Nawabganj,
Kanpur, Uttar Pradesh 208002
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
3. Pankaj Kaushik,
Aged about 30 years, DOB:02.04.1990
s/o Sh. Anil Kaushik
R/o G-22/88, Sector-7, Rohini, Delhi – 110 085
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
4. Parshun,
Aged about 33 years, DOB:06.06.1988
D/o Sh. Mahabir Singh,
R/o Village Jindran (87), PO Khidwali, Rohtak
Haryana 124 303
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.

5. Vikas, Aged about 32 years, DOB:22.09.1989
s/o Sh. Mahavir Singh,
R/o H.No. 1549/4, Sugar Mill Colony,
Sunarya Chowk, Rohtak, Haryana-124303
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
6. Pooja, Aged about 31 years, DOB:05.02.1990
D/o Sh. Shile Singh,
R/o H.No. 198, Village Jindran (87)
Khidwali, Rohtak, Haryana – 124 303
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
7. Shivam Pandey,
Aged about 30 years,
s/o Sh. Shrikant Pandey
R/o Sri Ram Nagar Colony,
Sammopur Sidhari, Azamgarh,
Uttar Pradesh 296001
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
8. Ramnivas,
Aged about 35 years,
s/o Sh. Bishan Singh,
R/o Vill. Attarchatta, PO Jaindapur,
The. Palwal, Dist. Palwal (Haryana) 121102
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
9. Dharmendra Kumar,
Aged about 35 years, DOB:22.03.1986
s/o Sh. Balveer Singh,
R/o Village Mandiya Khawajpur,
PO Khawajpur Dhannta, The. Thakurdwara,
Distt. Moradabad, Uttar Pradesh-244601
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
10. Amit Chauhan
Aged about 35 years, DOB:19.02.1985
s/o Sh. Shrikishan Singh Chauhan
R/o E-2/102, Shastri Nagar,
Street No.3, Delhi-110 052
Post: Special Educator (Primary)

11. Rekha,
Aged about 34 years, DOB:05.08.1986
W/o Sh. Kapil,
R/o 1074/3, Ssheetal Puri Colony,
Apolo Road, Jind, Haryana 126 102
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
12. Pinki Kumari,
Aged about 37 years,
D/o Sh. Sitaram,
R/o H-157, DharamPura, Najafgarh,
New Delhi – 110 043
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
13. Kiran,
Aged about 38 years, DOB:02.09.1983
D/o Sh. Purshottam Soni,
R/o 33A/2, Block Dharam Pura Extn.,
Nazafgarh, South West Delhi 110 043
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.
14. Rahul Kumar Singh,
Aged about 33 years, DOB:15.08.1988
s/o Sh. Chandra Shekhar Singh,
R/o 18/8, Ashok Nagar Near Tilak Nagar,
Delhi – 110 018.
Post: Special Educator (Primary)
Post Code: 32/21, Group-B.

...Applicants

(By Advocate: Sh. Mohit K. Daraad)

Versus

1. Delhi Subordinate Service Selection Board
(DSSSB) through its Chairman,
Govt. of NCT of Delhi,
FC-18, Institutional Area,
Karkardooma, Delhi – 110 092.
2. Lt. Governor of Delhi
Govt. of NCT of Delhi,
Raj Niwas Marg, Civil Lines,
New Delhi – 110 054.

3. Director of Local Bodies,
Govt. of NCT of Delhi,
9th Level, C-Wing, Delhi Sachivalaya,
I.P. Estate, New Delhi – 110 002.
4. North Delhi Municipal Corporation (NDMC)
Through its Commissioner,
Dr. SPM Civic Centre,
J.L. Nehru Marg,
New Delhi – 110 002.
5. South Delhi Municipal Corporation (SDMC)
Through its Commissioner,
23rd Floor, Civic Centre,
Minto Road, New Delhi – 110 002.
6. East Delhi Municipal Corporation (EDMC)
Through its Commissioner,
419, Udyog Sadan,
Patparganj Industrial Area,
New Delhi – 110 096.

...Respondents

(By Advocate: Sh. Amit Anand for R-1 to R-3
Sh. R.K. Jain for R-4 to R-6)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

MA No.2586/2021

The present MA has been filed under Rule 4(5)
(a) of the CAT (Procedure) Rules, 1987 seeking
permission to file a single petition. For the reasons
mentioned therein the same is allowed.



OA No.2032/2021

2. The Delhi Subordinate Services Selection Board (DSSSB) issued vacancy notice No.01/21 dated 04.03.2021 inviting applications for various posts including the post of Special Educator (Primary). The age limit for that post was stipulated as 30 years. The applicants worked as Guest Teachers for the past several years. The advertisement provided for relaxation of age limit for various categories. It is the contention of the applicants that there existed a general circular dated 13.03.2020 issued by the office of the Director of Local Bodies, Govt. of NCT of Delhi, providing for one time relaxation in favour of the Guest Teachers subject to maximum of ten years on the same lines as done by Education Department, GNCTD recently for Special Education Teachers vide Order No. F.209/DDE (IEDSS)/COURT-FILE/2016-17/CD No. 043457883/9831-37 dated 06.12.2019.

3. The grievance of the applicants is that limiting the relaxation to five years as per the advertisement and restricting it to one time, is not



beneficial to them and it ought to have been without such restrictions. They contend that the very purpose of providing relaxation was to enable the Guest Teachers, who were working for the past several years, to take part in the selection. It is stated that the applicants were working for the past several years and rendering service to the satisfaction of the concerned authorities and there was no opportunity for them to take part in the selection on earlier occasions.

4. Aggrieved by the inaction of the respondents, some of the applicants filed OA No.851/2021, which was disposed of vide order dated 20.04.2021, leaving it open to the applicants to make a representation claiming the benefit of relaxation in age limit. Accordingly, the applicants filed their respective representations, which were rejected vide order dated 23.06.2021 (Annexure A-1). It is also seen that some similarly situated persons, who were applicants in OA No.741/2021 decided on 05.04.2021, filed Contempt Petition for non-compliance of the aforesaid order. The Tribunal closed the Contempt Petition with the following observations:-



“3. The applicants are under the impression that the respondents did not implement the order in the OA. It is brought to our notice that the SDMC passed an order dated 23.06.2021 rejecting the representation of the applicants. In case, the applicants are not satisfied with the order, they have to pursue the remedy of appeal. We, therefore, close the contempt case.”

5. Per contra, learned counsel for the respondents submitted that the present case is squarely covered by the decision of this Tribunal in OA No.1938/2021, which was dismissed on 09.09.2021.

6. Today, we heard Mr. Mohit K. Daraad, learned counsel for the applicants, Mr. Amit Anand, learned counsel for the respondents no.1 to 3 and Mr. R.K. Jain, learned counsel for respondents no.4 to 6, and perused the records.

7. No one can claim the relaxation as a right, nor can challenge the terms thereof unless it is established that any provision of law is violated. The Tribunal in OA No.1938/2021 passed the following orders:-

“5. The Government decided to relax the age limit up to ten years in respect of temporary employees and by limiting it to one time. As a matter of fact, the recruitment rules do not provide for such benefits, and through an executive order, the benefit was extended. No one can claim the relaxation as of right nor can challenge the terms thereof, unless it is established



that any provision of law is violated. The Government has to maintain a delicate balance for providing opportunity to the freshers on the one hand and to protect the rights of the contractual employees, on the other. The Tribunal cannot interfere in such policy matters, unless, it is shown to be violative of any provision of law.

6. We do not find any merit in this OA and the same is dismissed accordingly. There shall be no order as to costs.”

8. In this view of the matter and taking note of the aforesaid decision, we do not find any merit in the instant OA. Accordingly, the OA is dismissed.

9. MA No.2588/2021 stands disposed of.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

/mbt/dkm/dd