



**Central Administrative Tribunal
Principal Bench, New Delhi**

**C.P. No. 3/2021
in
O.A. No.3381/2017**

This the 08th day of January, 2021

(Through Video Conferencing)

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

1. Edna Sharma,
W/o Sh. Gopal Sharma,
R/o H. No. A-104, Sec-2,
Plot No. 3C, Mandakini Apartment,
Dwarka, Delhi – 110075.
2. Runu Das,
W/o Sh. Saidam Das,
R/o E-125, 1st Floor, Lajpat Nagar-I,
New Delhi- 110024.
3. Bhupender Mahalwal,
S/o Hira Singh,
R/o 92-B, Madangir Village,
New Delhi – 110062.
4. Raj Singh,
S/o
H. NO. 255 Village SPO Barthwal,
New Delhi.
5. Amit Kumar,
S/o Sh. Kunwar Pal,
R/o House No. 48, Block No. 16,
Kalyan Puri, Delhi – 110091.
6. Surya Dagar,
S/o Sunil Dagar,
R/o Village Samaspur, Samaspur Khalsa,
Samashpur Khalsa, New Delhi – 110073.

...

petitioners

(through Mr. Jaspreet Singh Kapur, Advocate)

Versus

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1. Mr. Udit Prakash Rai,
Director of Education,
Directorate of Education,
NCT of Delhi, Old Secretariat, Delhi.
2. Mrs. Asha Aggarwal,
Deputy Director of Education (Sports),
Directorate of Education (Sports Branch),
NCT of Delhi, Chhatrasal Stadium,
Model Town, Delhi.
3. Mr. Dharmender Singh,
Deputy Director of Education (Sports),
Directorate of Education (Sports Branch),
NCT of Delhi, Chhatrasal Stadium,
Model Town, Delhi.
- ... Respondents

(through Ms. Esha Mazumdar, Advocate)

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

The applicants are working as Swimming Coaches on contractual basis under the respondents. Earlier, they filed OA No. 2069/2017 with a prayer to declare a notice dated 18.08.2017, proposing to appoint some more Swimming Coaches, as illegal, arbitrary; and to ensure that they are not replaced by another set of contractual employees. The said OA was disposed of vide order dated 06.04.2018, directing that the *ad hoc* or temporary employees working under the respondents shall not be replaced by another set of *ad hoc* or temporary employees.



2. The respondents appointed 12 Swimming Coaches on contractual basis through order dated 28.09.2020. The respondents issued an advertisement dated 05.03.2020 inviting applications for appointment of Swimming Coaches on contractual basis. The term of the applicants herein was extended till 31.01.2021, through order dated vide order dated 28.09.2020. The applicants apprehend that after 31.01.2021 their term may not be renewed and there is every likelihood of their being replaced by fresh set of contractual employees. In this background, they filed this CP.

3. We heard Mr. Jaspreet Singh Kapur, learned counsel for the applicants and Ms. Esha Mazumdar, learned counsel for the respondents.

4. The limited relief granted in the earlier OA was that the applicants shall not be replaced by another set of contractual employees. The respondents can be said to have violated the said order, if only the applicants are replaced by another set of contractual employees. The order did not prohibit limiting the term to the contract to a particular date and selection of some more Swimming Coaches on contractual basis. The applicants can have grievance, if only another set of contractual Swimming Coach is employed in their place. That did not happen so far.

5. The CP is accordingly closed. However, if the respondents replace them with another set of contractual Swimming Coaches, they may approach the Tribunal in accordance with law.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/pj/sunil/jyoti/ankit/