

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



O.A. No.764/2021

This the 07th day of April, 2021

(Through Video Conferencing)

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


Vijay Pal Singh Dalal
Age 54, Group Individual (C)
Designation- Retired Officer Ex-Subedar
S/o Sh. Man Singh
R/o H.No. 5/4, Nehru Park
Gali No. 1, Bahadurgarh
District Jhajjar, Haryana. ... Applicant

(By Advocate: Ms. Prachi Goel)

Versus

1. Government of NCT of Delhi
Directorate of Education, Caretaking Branch
Room no. 255, Old Secretarial
Delhi-110054, through its Director.
2. Head of School
GGSSS School
Nangloi, New Delhi-110041.
3. Lt. Governor of Delhi
Raj Nivas Marg, Ludlow Castle
Civil Lines, Delhi. ... Respondents

(By Advocate: Ms. Esha Mazumdar)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicant was engaged on contractual basis as Ministerial staff by the Govt. of NCT of Delhi, in the year 2016. It was being renewed from year after year. The last renewal is said to have been made in the month of May, 2020. Through an order dated 23.06.2020, the Government terminated the engagement of the applicant in view of the fact that a regular appointment was made against the post. This OA is filed challenging the order dated 23.06.2020. The applicant contends that there exists work and despite that, he was discontinued. He also stated that many persons who were similarly situated like him are being continued in the Ministerial staff.

2. We heard Ms. Prachi Goel, learned counsel for the applicant and Ms. Esha Mazumdar, learned counsel for the respondents at the stage of admission.

3. It is not in dispute that the engagement of the applicant was purely on contractual basis. Naturally, such engagement is subject to be discontinued once a regular appointment is made. It may be true that the contract of the applicant was renewed in the month of May, 2020. However, a regular appointment was made and the candidate joined the post in June, 2020. Accordingly, the impugned order was passed.

4. It is fairly well settled that whenever a regular appointment is made, the person appointed on temporary basis against the existing vacancy has to give way.

5. We do not find any illegality as regards the impugned order. However, in case the respondents propose to engage the contractual employees in the Ministerial posts, the case of the applicant as well as the other similarly situated persons shall also be considered, duly taking into account their experience as well as the length of period for which they have worked.

6. The OA is accordingly disposed of. There shall be no order as to costs.



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/vb/ns/sd