

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

19

ORDER SHEET

ORDERS OF THE TRIBUNAL

03.11.2011

OA No. 121/2010

Mr. Naresh Soopa, Proxy counsel for
Mr. Anand Sharma, Counsel for applicant.
Mr. V.S. Gurjar, Counsel for respondents.

On the request of the proxy counsel appearing on
behalf of the applicant, list it on 15.11.2011.

Anil Kumar
(Anil Kumar)
Member (A)

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15-11-2011

Mr. Naresh Soopa, Proxy Counsel for
Mr. Anand Sharma, Counsel for applicant
Mr. V.S. Gurjar, Counsel for respondents

Heard. The OA is disposed of
by a separate order.

Anil Kumar
(Anil Kumar)
M (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 15th day of November, 2011

ORIGINAL APPLICATION No. 121/2010

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Rohit Gupta son of Shri Jagdish Prasad Gupta, aged about 47 years, resident of Vaidhya Colony, Gangapur City, District Sawaimadhopur, earlier posted as Faculty Cum System Administrator (Computer Teacher) at Jawahar Navodaya Vidhyalaya, Jat Baroda, District Sawaimadhopur (Rajasthan).

... Applicant

(By Advocate : Mr. Naresh Soopa proxy to Mr. Anand Sharma)

Versus

1. The Commissioner, Navodaya Vidhyalaya Samiti, New Delhi.
2. The Assistant Commissioner, Navodaya Vidhyalaya Samiti, 18 Sangram Colony, Mahaveer Marg, C-Scheme, Jaipur (Rajasthan)
3. Principal, Jawahar Navodaya Vidhyalaya, Jat Baroda, District Sawaimadhopur (Rajasthan).

... Respondents

(By Advocate: Me. V.S. Gurjar)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

"In view of facts and grounds mentioned herein above, it is, therefore, prayed that this OA may kindly be allowed and relevant record may kindly be called and be perused, if this Hon'ble Tribunal so pleases and by way of issuing order/direction, verbal termination of the applicant w.e.f. 01.05.2009 may kindly be held arbitrary and illegal and the respondents may kindly be directed to reinstate the applicant back in service on the post of Faculty Cum System Administrator (Computer Teacher) by maintaining continuity in service and other consequential benefits. The respondents may also be directed to regularize the

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services of the applicant on the aforesaid post and to grant him regular pay scale.

Any other order or direction which this Hon'ble Tribunal deems fit in favour of the applicant may kindly be issued."

2. Heard the learned counsel for parties and perused the documents on record. Learned counsel for the applicant argued that the applicant was initially appointed on the post of Faculty Cum System Administrator (Computer Teacher) on contract basis at Jawahar Navodaya Vidhyalaya, Sardar Shahar, District Churu vide contract agreement dated 24.07.2004 on fixed salary @ Rs.7500/- per month. Initially the contract was only upto 30.04.2005. Thereafter the contract was renewed after a gap of 15 days w.e.f. 16.05.2005 to 30.04.2006. The applicant was allowed to work in JNV, Jat Baroda upto 30.04.2009 with a few days gap while renewing the contract every year but after 30.04.2009 till date, he has not been given any fresh appointment on contract basis. The applicant had also submitted one representation dated 04.08.2009 to the respondents in which it was mentioned that looking to the long experience of the applicant, he may be continued on the aforesaid post of Faculty Cum System Administrator (Computer Teacher). He has been working for five years but now he has been substituted by another contract employee, which is totally unfair practice on the part of the respondents and, therefore, he has prayed that the respondents be directed to appoint him on the contract basis on the said post.

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3. Learned counsel for the respondents argued that the applicant was appointed on contract basis and when the term is over, he was also advised to appear before the selection committee in response to his letter dated 03.06.2010 so as to have his candidature considered by the selection committee for engagement on contract basis as Faculty cum System Administrator (Computer Teacher) for the academic session 2010-2011. The applicant was specifically directed to appear before the selection committee for interview which was scheduled to be held on 09.06.2010 at Jawahar Navodaya Vidyalaya Pawata, District Jaipur (Rajasthan) but the applicant did not appear before the selection committee.

4. Learned counsel for the applicant stated at Bar that he will be satisfied if another opportunity is given to the applicant to appear before the selection committee. Learned counsel for the respondents argued that the selection process for the vacancies 2010-2011 is over but agreed that in case the applicant applies again and if there are vacancies available for the year 2010-2011 then he may be considered.

5. Accordingly, the applicant is at liberty to make a fresh request for appointment on contractual basis with the respondents and the respondents are directed to consider his candidature as per provisions of law on the subject and subject to the condition that vacancies are available for the academic year 2010-2011. If there are no vacancy for the

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academic year 2010-2011 then the applicant may be considered for the next academic year 2011-2012 whenever the process for filling up the post is initiated.

6. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

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