

**Central Administrative Tribunal
Principal Bench**

OA No. 1824/2014
MA No. 1564/2014

New Delhi this the 22nd day of August, 2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. B.K. Sinha, Member (A)

1. Ms. Neetu,
D/o Shri Nanak Chand Sharma,
Aged about 28 years,
R/o A-14/3, Shyam Vihar,
Ph-II, Najafgarh, New Delhi
2. Ms. Geetanjali,
W/o Sh. Rajendar Kumar,
Aged about 40 years,
R/o 678, Chander Lok,
Street No.8, Shahadara, Delhi
3. Ms. Puja Gaur,
D/o Sh. R.D. Gaur,
Aged about 37 years,
R/o C-8/225-B, Keshav Puram,
New Delhi

(All applicants were working as Instructors on contractual basis
and their services were terminated in July 2012)

- Applicants

(By Advocate: Mr. S.S. Tiwari)

VERSUS

1. Govt. of NCT of Delhi,
Through Chief Secretary,
Players Building, IP Estate,
New Delhi
2. Secretary,
Department of Training & Technical Education,
Munni Maya Ram Marg,
Pritampura, Delhi
3. Director,
Department of Training & Technical Education,
Munni Maya Ram Marg,
Pritampura, Delhi

- Respondents

(By Advocate: Mr. N.K. Singh for Ms. Avnish Ahlawat)

O R D E R (Oral)

Mr. V. Ajay Kumar, Member (J):

Heard both sides. M.A. No. 1564/2014 for joining together is allowed.

2. The applicants, who were engaged as full time contractual Instructors of IT Primer during 2001 to 2009 and worked as such till 30.07.2012 under the 3rd respondent, filed the present O.A. seeking to extend the benefits granted to the applicants in O.A. No. 1302/2013 dated 29.11.2013 of this Tribunal.

3. It is submitted that the applicants are similarly placed like the applicants in O.A. No. 1302/2013. The applicants, though were employed as Instructors for teaching the subject 'IT Primer', but in view of the changed circumstances, they have undergone the training for 'Employability Skills' along with so many others. However, when the respondents refused to continue their employment on the ground that the institutes, in which they have undergone the training for 'Employability Skills', are not recognized institutions, the applicants in O.A. No. 1302/2013, who were original teaching in Social Studies, filed O.A. No.1302/2013. This Tribunal, vide its order dated 29.11.2013 in O.A. No. 1302/2013 after considering the entire facts of the case, directed the respondents to reinstate the applicants therein in service and to allow them to continue in service till regular appointment is made for teaching the subject 'Employability Skills'. It is also made clear that the said applicants shall also have a right to apply for direct recruitment and on age relaxation, their cases would be considered for regular appointment.

4. As submitted by the learned counsel for the respondents that the applicants in O.A. No. 1302/2013 were originally teaching in Social Studies, whereas the applicants in the present O.A. were teaching in 'IT Primer', but it is a fact that in both cases, the applicants in O.A. No. 1302/2013 and the applicants in the present O.A. have undergone the training in 'Employability Skills' and obtained certificates and in the similar circumstances, when the respondents refused to continue to engage them on the ground that the institutes in which they have undergone training, are not recognized institutions, this Tribunal, vide its order dated 29.11.2013 in O.A. No. 1302/2013, directed the respondents to reinstate the applicants, as they have undergone training in 'Employability Skills' and obtained certificates.

5. Since the applicants in the present O.A., though were originally teaching the subject 'IT Primer', but they have undergone training 'Employability Skills' and obtained certificates like the applicants in O.A. No. 1302/2013, they are also entitled for extension of the similar benefits. However, since the applicants in the present O.A. were disengaged w.e.f. 30.07.2012 unlike the applicants in O.A. No. 1302/2013, they are entitled only for reengagement instead of reinstatement.

6. In the circumstances, the O.A. is disposed of by directing the respondents to re-engage the applicants in service and allow them to continue in service till regular appointment is made to teach the subject 'Employability Skills'. Further, the applicants shall have a right to apply for direct recruitment and on age relaxation, their cases would be considered for regular appointment. This exercise

shall be completed within two months provided there are vacancies in the present academic year, otherwise they shall be reengaged in the next academic year. No order as to costs.

(Dr. B.K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

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