

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

M.A.NO.3456 OF 2017

(In OA No.2162/17)

New Delhi, this the 3rd day of April, 2018

CORAM:

**HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER
AND**

HON'BLE MS.PRAVEEN MAHAJAN, ADMINISTRATIVE MEMBER

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Kishan Kumar Sharma,
s/o Mr.Laxman Prasad Sharma,
Ex-CCI/DTPO, ITI, Jijabhai Industrial Training Institute for women,
Siri Fort,
New Delhi,
R/o House No.200, Sannath,
Narela, Delhi 110040 (Applicant in OA No.2162/17).....Petitioner

(By Advocate: Mr.E.J.Varghese)

Vs.

1. The Govt. of NCTD,
Through the Chief Secretary,
Delhi Secretariat, New Delhi 110013
2. The Director, DTTE,
Department of Training & Education,
Pitampura,
New Delhi (Respondents in OA NO.2162/17).....Respondents

(By Advocate: Mr.Amit Anand)

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ORDER

Per RAJ VIR SHARMA, MEMBER(J):

MA No.3456 of 2017 has been filed by the applicant for condonation of delay, if any, in the filing of OA No.2162 of 2017.

2. Opposing the applicant's prayer for condonation of delay, the respondents have filed a counter reply.

3. We have carefully perused the materials available on record and have heard Mr.E.J.Varghese, learned counsel appearing for the applicant, and Mr.Amit Anand, learned counsel appearing for the respondents.

4. Brief facts: The applicant was duly selected and appointed as a Contractual Craft Instructor by the respondent-Department for the academic session 2013-14. The respondent-Department, by order dated 20.8.2014, re-appointed the applicant as a Contractual Craft Instructor for the academic session 2014-15. It has been asserted by the applicant that the respondent-Department terminated his service before completion of the contractual period without serving any notice on him. The representations made by him on 23.3.2015, 10.9.2015, 17.9.2015, 11.1.2016 and 24.4.2017 requesting the respondent-Department to re-engage him as Contractual Craft Instructor having yielded no response, the applicant filed the present OA on 23.5.2017 praying for issuance of a direction to the respondent-Department to re-engage him as Contractual Craft Instructor till regular employees are appointed against the vacant posts. It has been asserted by the applicant that the vacancies are there for his re-engagement. Many of the contractual employees, who were engaged later than him, have been allowed to continue. The respondent-Department is also engaging freshers on contractual/part time basis by issuing fresh advertisement.

5. On the other hand, it has been contended by the respondent-Department that cause of action, if any, arose in the year 2015 when the contractual service of the applicant was terminated, and, therefore, the present O.A. filed by him on 23.5.2017 is barred by limitation. It has also been contended by the respondent-Department that as the applicant has failed to apply for selection as Craft Instructor on part-time basis pursuant to

the advertisement dated 19.9.2017 (Annexure R-4), the present O.A. is premature and liable to be rejected.

6. In view of the facts that none of the aforesaid representations made by the applicant was considered and no decision was taken by the respondent-Department till 23.5.2017 when the O.A. was filed by the applicant, and that the respondent-Department has issued fresh advertisement inviting applications from eligible persons for selection and appointment as Craft Instructors on part-time basis, we have found no substance in the plea raised by the respondent-Department opposing the applicant's prayer for condonation of delay. It also transpires that no decision has yet been taken by the respondent-Department on the applicant's representations.

7. Accordingly, we allow MA No.3456 of 2017 and condone delay in the filing of OA No. 2162 of 2017. No costs.

8. The respondents are directed to file their counter reply within 15 days from today. The applicant shall file his rejoinder reply, if any, within 15 days from the date of receipt of copy of the counter reply. The O.A. shall be listed before appropriate Bench as per roster on 7.5.2018 for hearing.

(PRAVEEN MAHAJAN)
ADMINISTRATIVE MEMBER

(RAJ VIR SHARMA)
JUDICIAL MEMBER

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