

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No.3640/2014

This the 22nd day of July, 2016

Hon'ble Shri Shekhar Agarwal, Member (A)
Hon'ble Shri Raj Vir Sharma, Member(J)

1. Sh. Sushant Sharma, aged 31 years,
Son of Shri O. P. Sharma,
R/o. M-140, Gali No. 7,
Naveen Shahdara, Panchsheel Garden,
Uldhanpur, Naveen Shahdara,
Delhi-110 032, Lab. Tech.
2. Sh. Ram Beer Yadav, aged 31 years,
Son of Shri Phool Chand Yadav,
R/o. Village & P.O. Gokalpur,
Tehsil Behor, District Alwar,
Rajasthan, Lab. Tech.
3. Ms. Deepika Saini, aged 28 years,
Daughter of Shri Bhoop Singh Saini,
R/o. A -68, Laxmi Park,
Near Saini Mohalla, Nangloi,
New Delhi-110 041, Lab. Asstt.
4. Sh. Sukhbir Singh, aged 33 years,
Son of Shri Shyam Lal,
R/o. D-1/13/A, Maa Ramabai Mohalla,
Johripur, Delhi-110 094, Lab. Tech.
5. Ms. Pinki Devi, aged 35 years,
Daughter of Shri Dayal Singh,
R/o. RZ-A1/20, Dharampura, Near Chuna Bhathi,
Najafgarh, New Delhi-110 043, TA GR-III
6. Sh. Harsh Patuna, aged 26 years,
S/o. Shri Dhani Ram Patuna,
R/o. House No. 313/96, Type-II,
Mirdard Lane, Mama Campus,
New Delhi-110 002, Lab. Asstt.
7. Ms. Ruchi, aged 29 years,
D/o. Sh. Vijay Kumar,
R/o.349, Site 1st, Vikaspuri,
New Delhi-18, Lab. Asstt.

8. D. Raja Shekar, aged 30 years,
S/o. Shri D. Udandaiah,
C/o. B. Babu Pratap, Plot No. 334,
Huda Plots, Sector-56,
Gurgaon-122 001, Haryana, Lab. Asstt.
9. Sh. Rakesh Kumar, aged 30 years,
S/o. Shri Sukhbir Singh,
R/o. E-333, Patel Garden, Top Floor,
Near Dwarka More, New Delhi, Pharmacist,
10. Sh. Sanjay, aged 31 years,
S/o. Shri Jagdish Chander,
R/o. 5/290, Rajinder Nagar,
Near Telephone Exchange,
Sonepat, Haryana, Radiographer,
11. Mrs. Sarika Kumari, aged 30 years,
D/o. Shri D. P. Singh,
R/o. M-405, Chandra Shekhar Azad Colony,
Kishan Ganj, Delhi-7, ECG Technician,
12. Mrs. Anjali Singh, aged 37 years,
W/o. Shri Suvir Singh,,
R/o. CH-1/153, DDA Flats, Paschim Vihar,
New Delhi-110 032, Occupational Therapist,
13. Ms. Charu Behl, aged 29 years,
D/o. Shri Gulshan Behl,
R/o. 19/4, Prem Nagar, Double Storey,
Janakpuri, New Delhi-58, Speech Therapist,
14. Ms. Shilpa Chhibber, aged 30 years,
W/o. Shri Wipin Sharma,
R/o. 19-C, Sector-6, Pocket-2,
Dwarka, New Delhi, Lab. Tech.
15. Sh. Suresh Kumar, aged 31 years,
S/o Shri Gurbachan Singh,
R/o. House No. 114, H Block, Saurabh Vihar,
Jaitpur, New Delhi-44, Pharmacist,
16. Sh. Parag Midha, aged 32 years,
S/o Shri Parveen Kumar Midha,
R/o. CC62/B, Shalimar Bagh,
Delhi, Pharmacist,
17. Ms. Sonika, aged 28 years,
D/o Shri Ram Karan,
R/o. House No. 1489/25, Pragati Nagar,
Police Line, Sonepat,

Haryana, Lab. Asstt.

18. Sh. Kamran, aged 31 years,
 S/o Shri Rizwan-ul-Haq,
 R/o. U-204, Gali No. 8,
 Arvind Nagar,
 Delhi-110 053, Lab. Tech.Applicants

(Advocate : Mrs. Kamlakshi S Chauhan)

Versus

1. National Capital Territory of Delhi,
 Through Chief Secretary,
 New Secretariat, Players Building,
 ITO, New Delhi.

2. Director, Janakpuri Super Speciality Hospital,
 C-2B, Janakpuri,
 New Delhi.Respondents

(Advocate : Shri Vijay Kumar Pandita)

Order (oral)

Shri Shekhar Agarwal, Member (A)

The relief sought in this Original Application filed by the Para Medical Staff appointed on contract basis in GNCTD reads thus :-

"(a) Set aside the impugned office order dated 08.09.2014 advertised on 18.09.2014 being illegal in view of well settled law that one set of contractual employees cannot be replaced by another set of contractual employees."

2. The counsels for the parties are *ad idem* that the Govt. of Delhi has issued a policy letter No.F.19(01)/2014/S-IV/223-224 dated 16.02.2015 providing that there is need to review the existing policy regarding status of contractual employees engaged in various departments and organisations under the

GNCTD and till such policy decision is taken, services of contractual employees engaged by the Department should not be terminated and the present OA can be disposed of in terms of the said policy decision. The letter dated 16.02.2015 (ibid) reads thus:-

"No.F.19(01)/2014/S-IV/223-224 16.02.2015

1. All Pr. Secretaries/ Secretaries/ HODs.Govt. of N.C.T. of Delhi.
2. All Heads of Local Bodies/ Autonomous Bodies/ Undertaking / Corporation/ Boards/Institutions under GNCTD, Govt. of N.C.T. of Delhi.

Sub: Regarding engagement of contractual employees.

The Government of N.C.T. of Delhi would like to take a view on the existing policy regarding status of contractual employees engaged in various departments and organisations under this Government.

Therefore, services of Contractual employees engaged by the departments should NOT be terminated till further instructions in the matter. If any terminations are likely to take place, the same should be stopped till further orders.

(ASHUTOSH KUMAR)

SPL. SECRETARY (SERVICES)"

3. Accordingly, this OA is disposed of. It goes without saying that the respondents will be bound by the aforementioned policy decision. No costs.

**(Raj Vir Sharma)
Member(J)**

(Shekhar Agarwal)
Member(A)

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