

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No.100/3724/2016

New Delhi this the 4th day of November, 2016

Hon'ble Mr. Justice M. S. Sullar, Member (J)

Hon'ble Mr. P.K. Basu, Member (A)

1. Shri Mohammad Wasi,
29 years,
S/O Shri Hafeez Ahmed,
R/O C-1296, Street No. 13,
Chauhan Bangar, Delhi-110053
2. Azar Masood Khan,
26 years,
S/O Shri Masood Ali Khan,
R/O C-1/EB/29-Block,
Imaam Bara, New Seelampur,
Delhi-110053
3. Farzana, 27 years
D/O Shri Sadruddin,
R/O 1102, Sector-7,
R.K.Puram, New Delhi-110022
4. Mehreen Ali, 24 years
D/O Shri Zameer Ali,
R/O 328, 4th Floor,
Delhi Gate Market, Delhi-110002
5. Asma, 27,
D/O Mr. Akhlaq Ali,
R/O 400, Street Pahar Ali,
Chatta Lal Miyan,
Daryaganj, Delhi-110002
6. Shri Mohd.Aamir, 35 years
S/O Late Shri Mohammed Hashim,
R/O 979, Ist Floor, Mohalla Kishanganj,
Teli Wara, Azad Market,
Delhi-110006
7. Asadullah, 28 years
S/O Mr. Nasim,
R/O B-52, Gali No. 5,
Madanpur Khaddar Extension,
New Delhi-110076

8. Abbul Mannan, 25 years
S/o Mr. Sayed Mohd Zahir,
R/0 H.No. 6297,
Gali Baint Wali, Bara Hindu Rao,
Azad Market, Delhi-110006
 9. Mohammed Yusuf, 25 years
S/O Mr. Abdul Wajid,
R/0 FA-34, Shaheen Bagh,
Jamia Nagar Okhla,
Delhi-110025.
 10. Kifayatullah Khan, 23 years
S/O Mr. Shafkatullah Khan,
R/0 S-7/A, Nafees Road,
Jogabai Extension, Jamia Nagar,
New Delhi-110025
 11. Mr. Imran Ali, 26 years
S/O Mr. Akber Ali,
R/0 3324, Gali Nosawar Khan,
Kucha Pandit, Delhi-110006
 12. Zakir Khan, 33 years
S/O Mr. Sabir Khan,
R/0 216/1, Zakir Nagar,
Okhla, Delhi-110025
 13. Ahrar, 30 years
S/o Mr. Md. Zubain,
R/0 S-14, Muradi Road
Batla House, Jamia Nagar,
Okhla, Delhi-110025
 14. Hamid Akthar, 35 years
R/0 H.No. 416, 4th Floor,
Street No.11, Zakir Nagar,
Okhla Phase-3,
Delhi-110025
- Applicants

(Argued by: Shri Nimin Chib, Advocate)

VERSUS

1. Delhi Waqf Board,
5028, Daryaganj,
New Delhi-110002
2. Government of NCT of Delhi

Office of Divisional Commissioner
Revenue Department,
Coordination Branch,
5 Shyam Nath Marg,
Delhi-110054

3. The Lieutenant Governor of Delhi
Governor's Secretariat,
Raj Niwas, Delhi-110054 Respondents

ORDER (ORAL)

Justice M.S. Sullar, Member (J)

The sum and substance of facts and material, relevant for deciding the instant Original Application (OA), filed by applicant Mohammad Wasi and Others, expounded from the record is that, they were engaged as Data Entry Operators, Multi Tasking Staffs, Lower Divisional Clerks and Consultant for period of 89 days, purely on contractual basis and on remuneration as per Government norms, by Chief Executive Officer, Delhi Waqf Board, vide engagement letters dated 01.06.2016 (Annexure-C Colly). Their engagements were further extended for a period of 89 days, vide letters dated 30.08.2016/09.09.2016 (Annexure-D Colly), by Chief Executive Officer of the Delhi Waqf Board.

2. Meanwhile, Lt. Governor of Delhi, declared that the constitution of Waqf Board was void ab initio, so it was superseded, vide Notification dated 07.10.2016. As a consequence thereof, the services of the applicants were disengaged with immediate effect, vide impugned orders dated 14.10.2016 (Annexure A-Colly).

3. Aggrieved thereby, the applicants have preferred the instant OA, challenging the impugned disengagement orders, invoking the provisions of Section 19 of the Administrative Tribunals Act, 1985.

4. After hearing the learned counsel for the applicants, after going through the record with his valuable help and after considering the entire matter, we are of the firm view that there is no merit and the instant OA deserves to be dismissed, for the reasons mentioned hereinbelow.

5. Ex-facie, the argument of learned counsel, that since the period of engagement of the applicants was extended for a further period of 89 days, so their services cannot be disengaged before the expiry of extended peirod, is not only devoid of merit, but misplaced as well.

6. As is evident from the record, that the applicants were engaged for 89 days, purely on contract basis by Chief Executive Officer of the Delhi Waqf Board. Their services were disengagaed by the impugned orders (Annexure A-Colly), which reads as under:-

“This has reference to your engagement on purely contractual basis vide engagement letter no. F.1(20)/Estt./RR/committee/ consultant /2016/51 dated 25-05-2016 No.F.1(13)/Admn./ DWB/2013/500 dated 24-08-2016 respectively in the office of Delhi Waqf Board.

Vide Notification No. F- 36 (48)/Coord /Div.Comm /2016/ 10178 dated 07.10.2016, the constitution of Delhi Waqf Board have been revoked. In pursuance thereafter your services are no more required, hence, you are hereby disengaged with immediate effect.

You are therefore, directed to hand over the files/records under your custody and get clearance from section officer, Delhi Waqf Board immediately.

This issues with the approval of competent authority.”

7. Meaning thereby, since the constitution of the Delhi Waqf Board have been revoked, vide Notificaiton dated 07.10.2016, by the Lt. Governor of Delhi, so thereafter the applicants, who were engaged purely on contract basis for 89 days, have no claim on their post, irrespective of the fact that the period of their engagement was extended for a further period of 89 days. Therefore, since the applicants have no legal claim on their respective posts, so this Tribunal has no jurisdiction to direct the respondents to retain them in services, in the obtaining circumstances of the case.

8. In the light of the aforesaid reasons, as there is no merit, the instant OA is hereby dismissed with no costs.

(P.K. BASU)
MEMBER (A)

(JUSTICE M.S. SULLAR)
MEMBER (J)
04.11.2016

Rakesh