

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

**OA NO.336/2018
MA NO.330/2018**

NEW DELHI THIS THE 11th DAY OF OCTOBER, 2018

HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)
HON'BLE MR. S. N. TERDAL, MEMBER (J)

1. Vandana Gupta, Contractual Employee, aged about 33 years, W/o Sh. Subhash Chander, R/o C-25, Rana Park Siraspur, Delhi-110042.
2. Anita, Contractual Employee, Aged about 33 years, W/o Sh. Bijender Singh, R/o WZ-130D, Street No.68, Uttam Nagar, Delhi-59.
3. Madhuri Sharma, Contractual Employee, Aged about 33 years, W/o Sh. Saurabh Sharma, R/o D-161, Shyam Park Extension Sahibabad, Ghaziabad, UP-201005.
4. Neha Sharma, Contractual Employee , Aged about 31 years, W/o Sh. Sumit Sharma, R/o I-4/89 Sec-16 Rohini, Delhi-110089.
5. Kavita Rani, Contractual Employee, Aged about 38 years, D/o Sh. Tilak Raj, R/o C-14, Budh Vihar Phase-I Delhi-110086.
6. Geeta Rani, Contractual Employee, Aged about 33 years, W/o Sh. Sanjeev Kumar, R/o Village-Saiya Khera PO Khubru Teh, Ganaur Sonipat, Haryana.
7. Sangeeta Singhal, Contractual Employee, Aged about 36 years, W/o Sh. Chand Singh,

R/o B-1322, KH-965 Land Mark Church,
V.P.O. Kharla, Delhi-81.

8. Mahender, Contractual Employee,
Aged about 36 years,
S/o Dhyan Singh,
R/o 19/66, Trilok Puri,
Delhi-110091.
9. Manisha, Contractual Employee,
Aged about 31 years,
W/o Sh. Bhushan Chauhan,
R/o I-65, Street No.10B
Branhmpuri, Delhi-53.
10. Sonia Gupta, Contractual Employee,
Aged about 33 years,
W/o Sh. Pankaj Gupta,
R/o 66-A, G and Ju Block
Pitampura, Delhi-34.
11. Nidhi, Contractual Employee,
Aged about 37 years,
W/o Sh. Surender Singh,
R/o J-62, Uttam Nagar,
New Delhi-59.
12. Rajni, Contractual Employee,
Aged about 36 years,
W/o Sh. Dharmender Mann,
R/o H.NO.442, Pehlad Pur
Banger-42.
13. Komal, Contractual Employee,
Aged about 31 years,
W/o Sh. Purushottam Kaushik,
R/o H.No.343, VPO Ghoga,
Delhi-39.
14. Sujata, Contractual Employee,
Aged about 31 years,
W/o Sh. Sanjeet Kumar,
R/o 181/1/12 Krishna Colony
Near Shani Mandir, Samalkha
Dist.- Panipat, Haryana.
15. Monika Kumari, Contractual Employee,
Aged about 37 years,
W/o Sh. Jitender Sonthwal,
R/o RZ637A Gali No.1,
G Block Raj Nagar Part 2,

Delhi.

16. Shweta Malik, Contractual Employee,
Aged about 34 years,
W/o Sh. Ajay Chaudhary,
R/o 672, st-16 Adarsh Mohalla
Mauj Pur, Delhi-110053.
17. Shikha Jain, Contractual Employee,
Aged about 31 years,
W/o Sh. Vishal Jain,
R/o 220/19 Onkar Nagar
B Trinagar, Delhi-35.
18. Vandana Gupta, Contractual Employee,
Aged about 33 years,
W/o Sh. Gaurav Jindal,
B.H. 393, East Shalimar Bagh,
Delhi.
19. Shikha Garg, Contractual Employee,
Aged about 32 years,
W/o Sh. Gaurav Singhal,
R/o H.No.136 A Extension
Part-II, Nangloi, Delhi.
20. Monika Goel, Contractual Employee,
Aged about 34 years,
W/o Sh. Amit Aggarwal,
R/o H.NO.98, Pkt H-32 Sec 3,
Rohini, Delhi.
21. Mahesh Kumar, Contractual Employee,
Aged about 38 years,
W/o Sh. Om Prakash Atoria,
R/o 16 A Gali no. 2 Bhola Nath Nagar,
Shahdara, Delhi-32.
22. Geeta Saluja, Contractual Employee,
Aged about 34 years,
W/o Sh. Gaurav Dua,
Pkt-F-25, Flat No.85 Sec 3
Rohini, Greenview Appt New Delhi.
23. Shivani, Contractual Employee,
Aged about
W/o Sh. Amit Gautam,
R/o 85, Priya Apt.Sec 14 Rohini,
Delhi-85.
24. Sneha Kumari, Contractual Employee,

- Aged about 30 years,
W/o Sh. Sandeep Nim,
R/o A-4/77 Rajveer Colony
Gharoli Ext, Delhi-96.
25. Noopur Verma, Contractual Employee,
Aged about 35 years,
W/o Sh. Puneet,
R/o 1/5099 B Gali No. 3,
Balbir Nagar Shahdara,
Delhi-32.
26. Arun Mann, Contractual Employee,
Aged about 33 years,
S/o Sh. Rajender Singh Mann,
R/o H.No.394 Pehlad Pur Bangar
Delhi-42.
27. Ajay Kumar, Contractual Employee,
Aged about 37 years,
S/o Dhanpat Singh,
R/o H.No.357 A Gali No.9,
Near Durga Mandir, Ajay park,
Najafgarh, Delhi-43.
28. Astha Rlean, Contractual Employee,
Aged about 32 years,
W/o Sh. Sorabh Rampal,
R/o 28 A/L Sheikh Sarai,
Phase-IIInd, Delhi-17.
29. Reena Kumari, Contractual Employee,
Aged about 33 years,
W/o Sh. Naresh Kumar,
R/o H.No.45 Street No.3,
Gautam Colony, Narela, Delhi-40.
30. Mamta, Contractual Employee,
Aged about 33 years,
W/o Sh. Vikas Mann,
R/o H.No.154, VPO Khera
Khurd, Delhi-82.
31. Suman Rathore, Contractual Employee,
Aged about 35 years,
W/o Sh. Subhash Singh Rathore,
R/o B-1911, Shastri Nagar,
Delhi-110052.
32. Preeti Garg, Contractual Employee,
Aged about 33 years,

W/o Sh. Sumit Garg,
R/o A-20, Block A Shiv Mandir
Shastri Nagar, Delhi.

33. Renu Solanki, Contractual Employee,
Aged about 35 years,
W/o Sh. Satyawati Dabas,
R/o Vill Kanjha Wala,
Delhi-81.
34. Dinesh Kumar, Contractual Employee,
Aged about 33 years,
S/o Sh. Dharampal Singh,
R/o C-37, STNo.5 Kardam Farm
Colony, Johri Pur Extn,
Delhi-110094.
35. Pooja Shokeen, Contractual Employee,
Aged about 34 years,
W/o Sh. Rakesh Kumar,
R/o H.No.B-24, Amar Colony,
Nangloi, Delhi-110041.
36. Jyoti Rani, Contractual Employee,
Aged about 33 years,
W/o Sh. Jitender,
R/o H.No.217, V.P.O Nangal
Thakran, Delhi-110039.
37. Rajesh Kumar, Contractual Employee,
Aged about 36 years,
S/o Sh. Om Prakash,
R/o H.No.621, Duliya Colony,
Alipur, Delhi-36.
38. Kuldeep Solanki, Contractual Employee,
Aged about 36 years,
W/o Sh. Jagdish Singh Solanki,
R/o H.No.1971, Subzi Mandi
Wali Gali, Alipur, Delhi-36.
39. Kavita Rani, Contractual Employee,
Aged about 33 years,
W/o Sh. Kuldeep Solanki,
R/o H.No.1971, Subzi Mandi
Wali Gali, Alipur, Delhi-36.
40. Seema, Contractual Employee,
Aged about 33 years,
W/o Sh. Neeraj Kumar Mann,
R/o H.No.357, VPO Prahlad Pur

Bangar, Delhi-42.

41. Jitendra Kumar, Contractual Employee,
Aged about 39 years,
S/o Sh. Jai Pal Singh,
R/o B-1115, Mangol Puri,
Delhi-83.
42. Shruti Mangla, Contractual Employee,
Aged about 30 years,
W/o Sh. Akshay Kumar Gupta,
R/o D-15, Vikas Puri,
Near Desu Office No.18,
Delhi.
43. Sonal Ashra, Contractual Employee,
Aged about 32 years,
W/o Sh. Sumit Ashra,
R/o 630 IInd Flr Srinagar Colony,
Near Rani Bagh, Delhi.
44. Kalpana Singh, Contractual Employee,
Aged about 32 years,
W/o Sh. Naveen Dhat Walia,
R/o 151M/A Gali No.8 G-Block,
Prem Nagar, Najafgarh, Delhi-43.
45. Pawan Dahiya, Contractual Employee,
Aged about 34 years,
S/o Sh. Maha Singh Dahiya,
R/o H.No.587, Sunarowali Gali,
VPO Bankner, Narela, Delhi-40.
46. Priyanka, Contractual Employee,
Aged about 34 years,
W/o Sh. Sandeep Chauhan,
R/o H.No.421, Main Bazar,
VPO Jakhauli, Haryana-131023.
47. Asha, Contractual Employee,
Aged about 35 years,
W/o Sh. Praveen Kumar,
R/o H.No.124, Uchandi Road,
Bawana, Delhi-39.
48. Reena Devi, Contractual Employee,
Aged about 35 years,
W/o Sh. Krishan Kumar,
R/o H.No.357, V.P.O, Perhlad Pur,
Bangar, Delhi-42.

49. Sandeep Nara, Contractual Employee,
Aged about 34 years,
S/o Sh. Raj Singh,
R/o RZ-27 Ekta Vihar Baba
Haridas Nazafgarh, Delhi-43.
50. Payal Gupta, Contractual Employee,
Aged about 30 years,
W/o Sh. Sudhir Goel,
R/o H.No.428, Badli
Village, Delhi-110042.
51. Pushpa Kumar, Contractual Employee,
Aged about 36 years,
W/o Sh. Arun Kumar,
R/o H.No.148, Goi Press
Qtrs Type 4, Maya Puri, Delhi.
52. Deepshikha, Contractual Employee,
Aged about 34 years,
W/o Sh. Sanjeet Kumar,
R/o H.No.33, Sultan Garden
Block-A, Najafgarh, Delhi-43.
53. Girish Kumar Verma,
Aged about 35 years,
S/o Sh. Jagdish Prasad Verma,
R/o H.No.573/2, Gali No.4,
Vijay Park, Maujpur, Delhi-110053.
54. Seema,
Aged about 31 years,
W/o Sh. Pushpinder,
R/o AI 50, Flat No.9, Vipin
Garden, Dwarka Mor,
Uttam Nagar, New Delhi.

...Applicants

(By advocate: Mr. M.K. Bhardwaj)

VERSUS

1. Govt. of NCT of Delhi
Through its Chief Secretary,
Govt. of NCT of Delhi,
New Secretariat, IP Estate,
New Delhi.
2. Delhi Subordinate Service

Selection Board through its
Chairman, FC-18, Institutional
Area, Karkardooma, Delhi.

3. The Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat, Delhi.
4. North Delhi Municipal Corporation
Through its Commissioner,
4th Floor, Civic Centre,
Shyama Prasad Mukherjee
Building, New Delhi.
5. South Delhi Municipal Corporation
Through its Commissioner,
9th Floor, Civic Centre,
Shyama Prasad Mukherjee Building,
New Delhi.
6. East Delhi Municipal Corporation (Hq)
Through its Commissioner,
Udyog Sadan, 1st Floor,
Patparganj Industrial Area,
New Delhi.

...Respondents

(By advocate: Mr. Gagan Chawla for Ms. Harvinder Oberoi for R-1 and 3, Mr. N. Jagdish for R-2 and Mr. Amit Sinha for Mr. R.V. Sinha for R-4)

ORDER (Oral)

By Shri K.N. Shrivastava, Member (A):

Reply on behalf of respondent No.2 has been filed. Shri Gagan Chawla, appearing as proxy for Mrs. Harvinder Oberoi, learned counsel for respondent Nos. 1 and 3, seeks further opportunity to file reply. However, considering the nature of controversy involved, we are of the view that the OA can be disposed of without the reply on behalf of respondent Nos.1 and 3.

2. The applicants are working as Assistant Teacher (Primary) under three Municipal Corporations of Delhi. i.e., respondent Nos.4, 5 & 6. They were appointed on different dates between September 2005 to January 2011.

3. Pursuant to Annexure-A-1 Advertisement No.04/17 of Delhi Subordinate Services Selection Board (DSSSB) dated 20.12.2017, the applicants applied for the post of Assistant Teacher (Primary) in three Municipal Corporations of Delhi. It was indicated in the Advertisement that the age limit prescribed for the said post is 30 years, which is relaxable, as indicated in para-6 of the Advertisement for various categories in the post of Guest/Contract Teachers. It is further stated therein that relaxation in upper age as a onetime measure up to the actual time spent as Guest/Contract Teachers in the Directorate of Education, subject to a maximum of 5 years provided they have worked for at least 120 working days in that particular year. It is further stated that age relaxation should be applicable only for Guest/Contract Teachers, who have worked for the academic years 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17. All these applicants satisfy this criterion, except that they have been working in the three Corporations and not under the Directorate of Education. It is well settled that the Corporations are to be treated at par with the Government Department in such matters. We have no doubt in our mind that the age relaxation applicable to Guest/Contract Teachers, as stipulated in the Advertisement, is also *ipso facto*

applicable to these applicants as well. Our view is further fortified by order of this Tribunal in OA No.3044/2010 dated 13.01.2012 (**Manju Aggarwal Vs. Govt. of NCT of Delhi & Ors**), wherein it is held as under:-

“We have heard Learned Counsel for the parties in this case. After the judgment of the Honble High Court in WP (C) 1641/2011 Preeti Rathi and others case (supra), there need not be any doubt that contractual employees have to be treated as departmental employees and they are entitled for age relaxation for direct recruitment. Therefore, we allow this OA and reject the decision of the respondents that applicant being a contractual employee is not a departmental candidate for the purpose of granting age relaxation. Consequently, the respondents shall consider the applicant as a departmental candidate and grant the age relaxation as available to the departmental candidates. As the applicant has already scored a high position in the merit list, respondents shall declare her result and if found otherwise suitable & eligible, she shall be appointed as Teacher (Primary) in MCD with all consequential benefits except back wages. The aforesaid direction shall be complied with, within a period of one month from the date of receipt of a copy of this order.”

4. In view of above, we allow this OA and direct the respondents to grant age relaxation to the applicants at par with the Assistant Teacher (Primary) on contract basis of Directorate of Education, GNCTD and, accordingly, process their candidatures for further action.

5. In view of this, MA No.330/2018 filed for exemption stands disposed of.

6. No costs.

(S.N. TERDAL)
MEMBER (J)

(K.N. SHRIVASTAVA)
MEMBER (A)

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