

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 2157/2018
MA 2426/2018

Reserved on: 30.05.2018
Pronounced on: 06.08.2018

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Ms. Praveen Mahajan, Member (A)

L. Bokim Kom
D/o Shri L. Achung Kom
Aged about 27 years
H.No. 286, Phase-I, Pocket-I
Netaji Subhash Apartment, Dwarka,
Sec-13, New Delhi

... Applicant

(Through Ms. Jagrati Singh, Advocate)

Versus

1. New Delhi Municipal Corporation & ors.
Through
The Chairman,
New Delhi Municipal Corporation,
Palika Kendra, New Delhi
 2. DSSSB,
Through the Chairman
DSSSB,
FC-18, Institutional Area,
Karkardooma
- ... Respondents

ORDER

Mrs. Jasmine Ahmed, Member (J)

This OA has been filed against the order dated 18.05.2018
by which the services of the applicant have been terminated
(page 20).

2. The applicant joined the respondents as ANM on 1.12.2014 on contractual basis. In the offer of appointment of the applicant dated 13.10.2014, it was written as under:

"Ms. L. Boikim Kom is offered the post of ANM on contract basis initially for a period of six months or till filling up the vacancy on regular basis from DSSSB, whichever is earlier on consolidated contractual salary.

In case the offer is acceptable, you are requested to report the Section Officer (HE-II) Room No. 4007 (4th Floor), Palika Kendra, New Delhi-110001 with original certificates alongwith 2 passport size photographs to complete the required formalities of appointment within 10 days of issue of this letter."

3. Now vide impugned order dated 18.05.2018, the respondents have terminated the services of the applicant. The order is quoted below:

"Consequent to the appointment of ANM candidates sponsored by DSSSB, the services of following contractual ANM's are hereby terminated with immediate effect on last in first out basis.

S.No.	Name of the Candidate	Date of joining
1.	Ms. Monika Kumari	11.12.2014
2.	Ms. L. Bokim Kom	01.12.2014
3.	Ms. Preeti Sehrawat	21.11.2014
4.	Ms. Seema Duhan	20.11.2014

2. This issues with the approval of Competent Authority.

Sd/-
(Sharad Kumar)
Jt. Director (Health)"

4. We do not find any apparent illegality in the order dated 18.05.2018 as the appointment of the applicant was purely

contractual subject to the filling of vacancy on regular basis from DSSSB.

5. Learned counsel for the applicant prays that interest of the applicant may be protected as she has served the department for about 3/1-2 years.

6. Heard the learned counsel for the applicant.

7. It is an undisputed fact that the applicant was appointed purely on contract basis and in the offer of appointment it was categorically mentioned as and when ANM candidates sponsored by DSSSB are appointed, the services of contractual ANMs will be terminated. After accepting the above condition, the applicant joined the service. A contractual employee can only be given protection as per ratio laid down in **Piara Singh Vs. State of Haryana**, 1992 (4) SLR 770, wherein it has been held that a contractual employee shall not be replaced by another contractual employee.

8. Here the case is not that the applicant has been terminated and a contractual employee has been appointed in her place. We do not find any contradiction with the offer of appointment dated 13.10.2014 with the office order dated 18.05.2018. However, since the applicant has already served the department for more than 3/1-2 years, we direct that in the eventuality the respondents decide to engage ANMs on contractual basis, the applicant shall be given preference over

juniors. With the above direction, the OA is disposed of.

(Praveen Mahajan)
Member (A)

(Jasmine Ahmed)
Member (J)

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