

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA 3101/2018

New Delhi, this the 17th day of August, 2018

Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member(J)

Priyanka (Aged about 27 years)
D/o Shri Sant Lal
R/o 4.1431, Gali No. 2
Shalimar Park, Bholanath Nagar
Shahdara, Delhi - 110032

...Applicant

(By Advocate : Mr. Sahib G.S. Mahendru)

Versus

Government of NCT of Delhi
Through

1. The Chief Secretary
Delhi Secretariat,
I.P. Estate,
New Delhi - 110002.
2. The Director
Department of Women & Child Welfare
Govt. of NCT of Delhi
1, Canning Lane
New Delhi - 110003

...Respondents

ORDER (ORAL)

Mr. K.N. Shrivastava:

The applicant was engaged as Welfare Officer on contract basis by the Department of Women & Child Development through Intelligent Communication Systems India Limited (ICSIL) vide Annexure A-2 (colly.) Office Order dated 12.08.2010. Although this Office Order does not specify the period of initial engagement

but Mr. Sahib G.S. Mahendru, learned counsel for applicant confirms that it was for a year and that the engagement has been renewed year after year. The last extension ended on 28.02.2017. Vide Annexure A-9 letter dated 04.09.2017, Department of Women & Child Development sought information from the applicant on the following:

1. Regd. Slip with ICSIL
2. Call letter issued by ICSIL for interview
3. Engagement order/offer letter issued by the Department of Women & Child Development.
4. Copy of certificate of 10th

2. Learned counsel for applicant submits that the applicant had submitted all the relevant documents to the respondents in response to Annexure A-9 letter. The applicant, in her Annexure A-10 letter written to the respondents, has fairly conceded that she was not having ICSIL slip. However, learned counsel for applicant drew our attention to an RTI reply furnished to her by ICSIL, wherein, in paragraph 3, it has been stated as under:-

“Contents of both the above orders, clearly prove that Ms. Priyanka was duly sponsored by M/s ICSIL to the Department of Women & Child Development for appointment as Welfare Officer. The above orders also prove that she drew her salary from their Lajpat Nagar office. Further, Ms. Priyanka was able to produce all the orders extending her period of contractual appointment. All these orders clearly established that Ms.

Priyanka was given contractual appointment after following the due process of law/rules.”

3. The applicant is aggrieved of the impugned order Annexure A-1 (colly.) order dated 23.10.2017 of respondent No. 2 whereby her engagement as Welfare Officer on contract basis has been terminated on the ground that ICSIL was not able to clarify as to whether her name was registered with it or not.

4. Issue notice to the respondents. Mrs. Harvinder Oberoi, learned counsel appears and accepts notice on behalf of respondents.

5. Learned counsel for applicant submits that the applicant has submitted Annexure A-25 representation dated 06.06.2018 through Speed Post, which has not yet been decided by the respondent No. 2. He further submits that the applicant would be satisfied, at this stage, if a time bound direction is issued to respondent No.2 to decide the aforesaid pending representation of the applicant. He also prays for allowing the applicant to file a supplementary representation.

6. Having regards to the submissions made by learned counsel for applicant and without going into the merits of the case, this O.A. is disposed of at the admission stage in the following terms:-

- a) The applicant is granted liberty to file a supplementary representation within two weeks from today.
- b) On receipt of such supplementary representation from the applicant, the respondent No.2 shall decide the same as also her Annexure A-25 representation within a period of eight weeks from the date of receipt of the supplementary representation by passing a reasoned and speaking order.
- c) The applicant will also be at liberty to take recourse to appropriate remedy, as available to her under law, in case she remains dissatisfied with the order to be passed by respondent No.2.

Order **dasti**.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

/anjali/