

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

**OA 3547/2017
MA 3759/2017**

New Delhi, this the 3rd day of August, 2018

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

1. Ritu Nishad, Age 27 yrs. (G-C) (Security Guard)
D/o Sh. Ramesh Chand Nishad
R/o RX-62. Guru Harkishan Nagar
Matiala Extension, Uttam Nagar
New Delhi.
2. Mr. Ashutosh, Age 23 years (G-C) (S. Guard)
S/o Sh. Rajender Prasad Gupta
R/o 8917/14-B, Shidipur East Park Road
Karol Bagh, New Delhi – 110005.
3. Anil Kumar, Age 45 years (G-C) (S. Guard)
S/o Sh. Mangal Sen
R/o H. No. 6164, Ram Nadir
Delhi – 110006.
4. Salman Khan, Age 25 years (G-C) (S. Guard)
S/o Sher Mohd Khan
R/o 44, Hauz Khas Village
New Delhi – 110016

...Applicants

(By Advocate : Mr. Yashpal Rangi)

Versus

1. Govt. of NCT of Delhi
Through
Chief Secretary
Delhi Secretariat
IP Estate, New Delhi.
2. The Director
Directorate of Education, Sports Branch
Chhatarsal Stadium, Model Town
New Delhi – 110 009.

...Respondents

(By Advocate : Mr. Pradeep Singh Tomar for Ms. Sangata
Rai)

ORDER (ORAL)

Hon'ble Sh. K.N. Shrivastava, Member (A)

The applicants are working as Swimming Life Guards on contract basis in various schools of Govt. of National Capital Territory of Delhi (GNCTD).

2. They are aggrieved by impugned Annexure A-1 notice for appointment dated 18.8.2017 issued by the Respondent No.2. They have assailed it in the instant OA and prayed for the following reliefs:-

"(i) Declare the notice dated 18/8/2017 (A-1) as arbitrary and illegal; and

(ii) Quash and set aside notice dated 18/8/2017 (A-1) to the extent of inviting applications for the posts occupied by applicants; and

(iii) Direct the respondents not to replace the services of the applicants as Swimming Life Guards with another set of contractual employees; and

(iv) Direct the respondents to continue the services of applicants as Swimming Life Guards till such post are filled up on regular basis or their services are found unsatisfactory; and"

3. Shri Pradeep Kumar Tomar, learned counsel appearing as proxy for Ms. Sangita Rai, learned counsel for the respondents, at the very outset, submitted that this OA can be disposed of in terms of dictum of this Tribunal issued vide Order dated 6.4.2018 in OA 2069/2017 (***Santosh Kumar and others vs. Govt. of NCT of Delhi and another***). The relevant portions of this Order are extracted below:-

"11. However, it is a fact that the applicants have been working with the respondents for a long time and perhaps given the best part of their service career

to the respondents. In view of the fact that a large number of vacant posts of Lifeguards are pending with the respondents, it is not understood as to why no steps have been taken to fill up the vacancies on regular basis instead of filling them up on contractual basis year after year. It would be desirable for the respondents to do so expeditiously. At the time of regularization, the respondents are directed to take necessary steps to ensure that the case of the applicants is considered favourably, in case they meet other eligibility criterion as per the Recruitment Rules etc. Till such regularization, the reliefs claimed for by the applicants cannot be considered.

12. The respondents are also directed to ensure that the ad hoc or temporary employees (the applicants in this case) should not be replaced by any another set of ad hoc or temporary employees. The O.A. is accordingly disposed of with these directions. No costs."

4. We have perused the aforementioned order of this Tribunal. We are of the view that the issue involved in the present OA is fully covered by the *ibid* Order of the Tribunal. Learned counsel for the applicants is also in agreement with it.

5. In the conspectus, this OA is disposed of in terms of Order dated 6.4.2018 of the Tribunal in OA 2069/2017. No costs.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)