

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**CHANDIGARH BENCH**

...

**O.A. No.60/700/2017**

**Date of decision: 18.01.2019**

**M.A. No.60/1173/2017**

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).**  
**HON'BLE MRS. P. GOPINATH, MEMBER (A).**

...

Surinder Sharma age 32 years, S/o Sh. Roop Chand Sharma, Resident of  
H. No.2479-A, Sector-28, Chandigarh. Group C.

**... APPLICANT**

**VERSUS**

1. Chandigarh Administration, through Administrator, U.T. Chandigarh.
2. The Director Higher Education, Chandigarh Administration, U.T. Chandigarh, Sector-9, U.T. Secretariat.
3. Government Home Science College, Sector-10, Chandigarh through its Principal.
4. The State Council of Educational Research and Training (SCERT), Sector-32, UT Chandigarh, through its Director.
5. Smt. Sudha Katyal, The Principal, Government Home Science College, Sector-10, Chandigarh.

**... RESPONDENTS**

**PRESENT:** Sh. Harsh Garg, counsel for the applicant.

Sh. Arvind Moudgil, counsel for the respondents.

**ORDER (Oral)**

...

**SANJEEV KAUSHIK, MEMBER (J):-**

1. By means of present O.A., the applicant assails his order of termination dated 23.06.2017, whereby he has been relieved from service on the premise that due to shortage of amount under the salary head, his services are not required.
2. After exchange of pleadings, matter came up for hearing today.
3. Learned counsel for the applicant argued that the impugned order is bad in law in terms of numerous judicial pronouncement by various Courts including this Court whereby it has been held that one set of contractual employees cannot be replaced with another, if their work and conduct is satisfactory. He submitted that the respondents have engaged another person in place of the applicant for same very work and argued that the applicant can also be asked to perform duty on D.C. rates. Therefore, he prayed that the impugned order be quashed and set aside.
4. Learned counsel for the respondents tried to justify the stand of the respondents for dispensing with the services of the applicant through averment as made in the written statement. However, when confronted with proposition as to whether impugned order can be improved by submitting reasons by filing written statement, he has no answer. Therefore, he submitted that let respondents be given a chance to pass fresh order.
5. In the wake of above that respondents themselves have come forward to pass fresh order, we dispose of this O.A. by directing the respondents to pass fresh order on the basis of above facts and

terms and conditions of the appointment letter of the applicant within a period of three weeks from the date of receipt of a certified copy of this order. We also make it clear that since applicant is out of service, therefore, he will not be entitled to benefit on the principle of 'no work no pay' as held in the case of **State of Haryana & Ors. vs. O.P. Gupta Etc.** 1996 SCALE (1) 602.

6. The O.A. along with M.A. stands disposed of in the above terms. No costs.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

Date: 18.01.2019.

Place: Chandigarh.

`KR'

