

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 4522/2018
MA No. 5144/2018

Reserved on: 20.12.2018
Pronounced on: 04.01.2019

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)

1. Neelu, Aged about 47 years
D/o Bhim Singh,
R/o C-51/228, Firozshah Kotla,
Behind Indian Express Building,
ITO, Daryaganj,
New Delhi – 110 0002.
Post: Music Teacher, Group-B.
2. Farheen Khan, Aged about 36 years
S/o Maqbool Alam Khan,
R/o G-52/20, 101,
Afsheen Manzil Batla House,
Jamia Nagar, Delhi – 110 025
Post: Urdu Teacher, Group-B.
3. Sudhir Kumar, Aged about 31 years,
S/o Surender Singh,
R/o H.No.716, Main Goushala Road,
Najafgarh, New Delhi – 110 043.
Post : Music Teacher, Group-B.
4. Roshan Tanweer, Aged about 41 years
S/o Late Ziaur Rahman,
R/o J-76, Flat No.103,
Ashaina Complex Abue Fazal Enclave-I,
Jamia Nagar, Okhla, New Delhi-10025.
Post: Primary Teacher, Group-B.
5. Prem Lata, Aged about 43 years,
S/o Rakesh Kumar Aggarwal,
R/o H.No.65, Ward No.4, Mehrauli,
New Delhi-110 030.
Post: Primary Teacher, Group-B.
6. Savita Kumari, Aged about 45 years,
D/o Raghuvansh Thakur,
R/o 615/1-A, Devli Villagae,
Near Holi Chawk, New Delhi.
Post: Primary Teacher, Group-B.

7. Abdul Qadir, aged about 38 years,
S/o Hafiz Muniralam,
R/o F-37, 2nd Floor, Gali No.6/3,
Zakir Nagar, New Delhi-110 025.
Post: Primary Teacher, Group-B.
8. Naved Akhtar, aged about 40 years,
S/o Mohd. Hanif,
R/o D-21/6, Abul Fazal Part-II,
Saheen Bagh, Jamia Nagar, Okhla,
New Delhi – 110 025.
Post Primary Teacher, Group-B.
9. Shahnaz Perveen, aged about 47 years,
S/o Mohd. Isa,
R/o H-76, Gali No.6, Zero Pushta,
Shastri Park, Delhi.
Post Primary Teacher, Group-B.
10. Tehmina Riaz, aged about 37 years,
D/o Riaz Ul Haq Ansari,
R/o H.No.856, KhatraHiddu,
Farashkhana, Delhi -110 006
Post: Primary Teacher, Group-B.
11. Tazeem Aijaz, aged about 37 years,
S/o Abu Shamma,
R/o Plot No.108, 3rd Floor,
Gate No.13, Jasola, Delhi.
Post: Primary Teacher, Group-B.
12. Ruby Aslam, aged about 45 years,
D/o Aslam Parvez Khan,
R/o 980, Punjabi Phatak, Ballimaraw,
Delhi-110006.
Post: Primary Teacher, Group-B. ...Applicants

(By Advocate: Sh. Anuj Aggarwal)

Versus

1. North Delhi Municipal Corporation (NDMC)
Through its Commissioner,
Dr. SPM Civil Centre,
J.L. Nehru Marg,
New Delhi – 110 002.
2. South Delhi Municipal Corporation (SDMC)
Through its Commissioner,
23rd Floor, Civic Centre,
Minto Road, New Delhi – 110 002.

3. East Delhi Municipal Corporation (EDMC)
Through its Commissioner,
419, Udyog Sadan, Patparganj Industrial Area,
New Delhi – 110 096. ...Respondents

ORDER

By Hon'ble Ms. Aradhana Johri, Member (A):

MA No. 5144/2018

This MA filed by the applicants for joining in one OA is allowed for the reasons stated therein.

OA No. 4522/2018

2. The applicants are contract teachers in three Municipal Corporations, which have been formed after trifurcation of the Municipal Corporation of Delhi [MCD]. It appears that regular appointments are being done and some of them are being asked to leave. This OA has been filed by the applicants asking for the following reliefs:-

- “(i) Direct the respondents to prepare and maintain a common seniority list for all the contractual primary teachers, including the applicants, appointed by erstwhile Municipal Corporation of Delhi (MCD);
- ii) Direct the respondents to strictly follow the principle of “last come first go” in accordance with the aforesaid common seniority of all the contractual primary teachers working in all the three respondents while replacing/ substituting the applicants with the regular/direct/permanent primary teachers;
- iii) Issue any other order or direction as this Hon'ble Tribunal may deem fit and proper in the interest of justice and in the favour of the applicants; and
- iv) Allow the present application with cost in favour of the applicants.”

3. This case is at the admission stage. From a perusal of the engagement letter dated 05.10.2005 of one of the applicants – Neelu d/o w/o Risal clearly states that the contractual agreement for engagement as teacher on contract basis is for a limited period, or till the select list of teachers is received from Delhi Subordinate Services Selection Board (DSSSB). Further, no scale has been mentioned in the engagement letter but a consolidated monthly remuneration has been given. The engagement letter also specifies the end date of contractual engagement. It again reiterates that the engagement is a purely temporary arrangement on contract basis and the contract can be terminated at any time without assigning any reason thereof, and without any notice in this regard. The original of this engagement letter is illegible and the typed copy thereof has certain errors in it.

4. The Office Order dated 26.05.2018 regarding Farheen Khan d/o Maqbool Alam Khan states that it is a stop gap engagement w.e.f. 26.05.2018 to 14.11.2018 or till the regular teachers select list is received from DSSSB, whichever is earlier. It goes on to state that the services of contractual engagement will stand disengaged on or till the select list is received from DSSSB, whichever is earlier. It also specifies a fixed monthly remuneration and does not

give a scale of pay. One of the terms is also that candidates will have not claim whatsoever for continuation of the engagement or for regularization.

5. It is noticed that original engagement letters of other applicants have not been filed by the applicants but whatever office orders regarding engagement/re-engagement of services of other applicants that have been filed, are more or less on the same lines.

6. From the very perusal of the engagement letters, it is clear that it is a purely contract arrangement, for a temporary period, till the select list is received, and can be terminated at any time without any notice. As such, there is no question of having a common seniority list for all the three Municipal Corporations since contract teachers are not part of any regular cadre. Further, the applicants have not contended that within a particular Corporation the principle of 'last come first go' is not being followed.

7. For the reasons stated above, the OA is lacking in merits, and is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(V.Ajay Kumar)
Member (J)