

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI**

OA No. 990/2017

New Delhi, this the 17th day of September, 2019

**HON'BLE MR. PRADEEP KUMAR, MEMBER (A)
HON'BLE MR. ASHISH KALIA, MEMBER (J)**

1. Ms Sushila Varun, Aged 40 years
(Supervisor-Category-C)
W/o Sh. Surya Kant Varun
R/o0262-C/568, Asha Ram Gali
Mandawali, Shakarpur, Delhi-110092
2. Monika Joshi, Aged 42 years,
(Supervisor-Category-C)
W/o Sh. Harish Kumar Joshia
R/o-J-3/134, Block-J-III
Laxmi Nagar, Delhi-110092

.....Applicants

(By advocate : Mr K B Upadhyay)

Versus

1. Govt. of NCT of Delhi
Through,
The Chief Secretary,
Delhi Secretariat, New Delhi
2. The Secretary,
Department of Social Welfare/Women & Child Development
Govt. of NCT of Delhi
GLNS Complex, Delhi Gate,
New Delhi
3. The Deputy Director (Admn.-Vig.)
Department of Women & Child Development
Govt. of NCT of Delhi
1, Canning Lane, Kasturba Gandhi Marg,
New Delhi-110001

.....Respondents

(By advocate : Mr Amit Yadav for Mr Amit Sharma)

O R D E R (O R A L)

Mr. Ashish Kalia, Member (J):

1.0 The applicant has filed this OA under section 19 of Administrative Tribunal Act 1985 seeking the following relief:

A. “Set aside/quash the illegal, arbitrary, malafide Letter/Order bearing F.No. 05(Misc.)/AD(ICDS)DWCD/16-17/4053-60 dated 10th May 2016 passed by the respondent no. 3 or/and

B. Pass any other and further relief/order directions as this Hon’ble Tribunal may deem fit and proper in the interest & justice.”

2.0 The application has been filed by two applicants namely Sushila and Monika questioning their dis-engagement that pertains to a surprise check by Ministry of Delhi Government. The applicants are working as Anganbadi Supervisors (initially they were working as anganbadi workers). They have rendered service more than 10 years. Applicant no 1 Sushila was appointed on the post of Anganbadi Worker in ICDS (Integrated Child Development Schemes) from 2000-2011. Applicant No. 2 Monika was appointed on the post of Supervisor (Female) on contractual basis through ICSIL (Intelligent Communication Systems India Ltd- Joint Venture of TCIL-A Govt. of India Enterprise & DSIIIDC- An undertaking of Delhi Govt.) from 2011-2016. The applicant worked as Supervisor from 27.05.2011 to 30.08.2015 in Shakarpur and from 01.09.2015 to 10.05.2016 in

Geeta Colony Projects, Delhi. The Applicant No. 2 has also been awarded for Best Supervisor as per Annexure A3.

3.0 On 10.05.2016, at about 07:45 a.m. when the Hon'ble Minister along with the officials visited the kitchen of Jagriti SHG situated at 5/7/13 at Geeta Colony where alleged shortcomings and lapses were found. There were certain shortcomings/lapses found in the kitchen but in the impugned letter no shortcomings/lapses has been mentioned. It is further stated that applicants were not supposed to be present at 7:45 a.m. at the kitchens on Tuesday. The grievance of the applicants herein is that without giving any opportunity to them their services have been dispensed with. No show cause notice has ever been served with the applicants prior to issuance of the impugned order. When they raised objection they were told they are not Govt. employees but they are contractual employees of ICSIL (Intelligent Communication Systems India Ltd). As per their contract dated 27.05.201, it is mentioned that if there services are found deficient, they may be dis-engaged.

4.0 Learned counsel for respondents had submitted that as per the case status of applicants, Original Application does not lie in the present form before Tribunal as they are not the Government servants. This Tribunal has no jurisdiction in this.

5.0 Learned counsel for the respondents has mentioned in their counter reply"-

"It is submitted that the contention/presentation of the applicant is denied. A surprise inspection was conducted on 10.05.2016 by the

Officer's of the Women & Child Development Department, Govt. of NCT of Delhi at the kitchens & Anganwadi Centres of Geeta Colony Project & Shakarpur Project under the leadership of the Hon'ble Minister for Department of Women and Child Development, GNCTD in which several irregularities were found relating to short supply of cooked material, non-availability of stock register in the kitchen non-availability of weighing balance/non-functional weighing balance, non adherence to menu etc. Accordingly, Ms Sushila Varun, Project Officer was placed under suspension vide order's of the Competent Authority No. F.05 (Misc. matter/Addl. Dir.)/(ICDS/WCD)/DWCD/16-17/123-129 dated 13.05.2016. Besides, as a strong message was needed to be conveyed to the staff involved in the ICDS Projects, accordingly, the services of the four supervisors (Contractual) namely Ms Monika, Ms Sushila, Ms Sunita Jain and Ms Lalita was discontinued by the Department. The discrepancies found during the inspections had two facets i.e. discrepancies in the material being supplied for consumption and discrepancies in the records mandatorily required to be maintained. Thus, the inspection revealed non-performance & negligence/dereliction of duty on the part of the concerned supervisors including Ms. Sushila Varun, towards the work/responsibilities assigned irrespective of non-kitchen duty on that particular day. The overall monitoring & supervision of the allotted AWCs and the concerned SHG kitchens is the sole duty of the concerned area supervisor and accordingly, a supervisor cannot be absolved of shortcomings found in the concerned SHG Kitchen during the day of inspection. Thus, the Order of the Department dated 10.05.2016 thereby discontinuing the services of the contractual supervisors owing to non-performance, dereliction of duties and negligence, was justified and legal. Besides, the said order was also in consonance with the terms and conditions of the engagement letter of the applicant. ”

- 6.0 Heard learned counsel for both the parties at length.
- 7.0 On perusing the record and also appreciated the legal position submitted at bar the applicants are having no locus to question their dis-engagement by the respondents on being found their services

department may pass a speaking order duly communicated to them the reasons for their disengagement. The applicants are at liberty to approach the tribunal if grievance still subsists. With the observation OA is dismissed.

(Ashish Kalia)

Member (J)

(Pradeep Kumar)

Member (A)

neetu