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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1353/2003

This the 17th day of December, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Rajender Singh
S/o Sh. Hukam Singh,
R/o C-274, Sector-7, Rohini,
Naharpur, Delhi.

(By Advocate: Sh. Raj Singh)

Versus

1. G.N.C.T. of Delhi,
through its Chief Secretary,
Players Building,
I.P.Estate, New Delhi.
2. The Director of Education,
Directorate of Educations,
G.N.C.T., Old Secretariate,
Delhi.
3. The Dy. Director of Education,
Distt. North-West (B),
Pitam Pura, Delhi.
4. The Principal,
Govt. Sarvodaya Co-Ed. Sr. Sec. Vidyalaya,
Sector-6, Rohini,
Delhi.

(By Advocate: Sh. Mohit Madan proxy for
Mrs. Avnish Ahlawat)

O R D E R

By Sh. Kuldip Singh, Member (J)

Applicant in this case has assailed an order passed by the respondents in compliance with the orders issued by this Tribunal in OA-539/2003 wherein the respondents were directed to dispose of the representation of the applicant.

2. The case of the applicant is that he was appointed as part time sweeper in 1999 under one of the schools of the respondents vide letter dated 29.10.99. After his name had been sponsored by Employment Exchange and after undergoing interview by a duly constituted selection board, he has continuously served without any interruption till his

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disengagement. It is further stated that the work of the kind is still available as there are sanctioned post so the applicant could not be engaged and the disengagement of applicant is against the principles of natural justice.

3. The stand of the respondents is that the applicant was appointed as a part time sweeper against sanctioned post of 29.10.99 at the time when the post was hit by ban in terms of the letter dated 21.10.98 issued by the service Department of Govt. NCT of Delhi and since the appointment was purely ad hoc and was filled by the school during the ban period that creates no vested right either for continuance in the post. It is also submitted that appointment made initially was void ab initio and was contrary to the orders and instructions issued by the department.

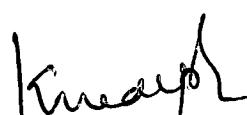
4. I have heard the learned counsel for the parties and gone through the record.

5. In this case, I may mention that the appointment of the applicant was not only hit by the ban issued by the department but respondents have specifically also pleaded that the applicant was not paid out of contingency fund, rather he was paid from PTA fund. Meaning thereby applicant was not engaged by the respondents authorities at all. Court has otherwise no jurisdiction because applicant has been paid out of the PTA fund which is a private fund. This fact is not controverted by the applicant.

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6. As I have already held in OA-2000/2003 that the appointment made during the period when there was ban on recruitment. So appointment itself being contrary to the ban does not create any right in favour of the applicant for continuing the job. In this case also, since the applicant was engaged in the year 1999 when the ban was in operation against the recruitment of part time workers so no right has been created in favour of the applicant for continuing the job.

7. Besides that applicant has not been engaged by the respondents, since he was paid salary out of PTA fund. So that also does not entitle the applicant to continue in the job. Hence OA is without any merits and is accordingly dismissed.


(KULDIP SINGH)
Member (J)

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