

**GOVERNMENT OF NCT OF DELHI  
DIRECTORATE OF TRAINING AND TECHNICAL EDUCATION  
MUNIMAYA RAM MARG; PITAM PURA, DELHI  
(E-II BRANCH)**

No. F.32 (56)/CC/Trg.Admn./2020/ 382

Dated 11/08/2020

**ORDER**

Whereas, In Civil Writ Petition No. 8455/2019, the Hon'ble High Court, Delhi vide its order dt. 05.08.2019 directed the respondent to take a decision on the petitioner's claim for regularization and in Civil Writ Petition No. 1486/2020, the Hon'ble High Court, Delhi passed an order dt. 11/02/2020 that "Since, the petitioners are similarly situated, their representations shall also be placed before Lt. Governor, to enable the LG to pass appropriate orders, as directed in earlier order dt. 05/08/2019".

In pursuance of aforesaid orders of the Hon'ble High Court of Delhi, this order shall dispose of the claim of the petitioners for regularization, in the aforesaid W.P. (C).

Whereas, the Applicants are working in the Department as Craft Instructors on full time contract basis in various ITIs in different trades.

Whereas, the Department of Training and Technical Education, GNCTD continuously made efforts to recruit regular instructors through DSSSB but the posts could not be filled up.

Whereas, the Department sent requisitions for different posts of craft instructors etc vide letters dated 05-04-2013 to DSSSB, GNCTD. The DSSSB advertised the vacancies on 20-01-2014. Aggrieved by the said advertised vacancies, the contractual craft instructors working in the department filed the OA No.579/2014 in the Hon'ble CAT with the request to "quash the advertisement No 1/14 dated 20-01-2014 and consequent selection process to the extent of the recruitment of craft instructors in the Department and direct the respondents to formulate a policy to regularize the services of the applicants by considering the judgments of the Hon'ble Supreme Court and Hon'ble High Court and further by considering the decisions of the other states who have regularized the services of the contractual employees and not to terminate the services of the applicants till policy is formulated".

Whereas, the Hon'ble CAT vide its interim order dated 24-02-2014 passed the following direction:

*"Sh. N.K. Singh, the learned counsel for the respondents, submits that the respondents have already initiated the process for considering the*



cases of the applicants by granting age relaxation, and hence, no orders may be granted at this stage.

However, in the interest of justice and in view of the prima facie case made out, the respondents are directed that until the claim of the applicants for regularization is considered, they shall not proceed to fill up the related vacancies by any other process".

Whereas, subsequently, Hon'ble Tribunal delivered final Order dated 25.02.2016 in OA 579/2014, 2431/2014 and 2691/2014 wherein among other directions one direction was that the respondent may go ahead with advertisement No. 1/2014 seeking applications for fresh appointment. The relevant portion of the ORDER was as under

"17. "As regards Advertisement no.1/2014 seeking application for fresh appointments, we do not wish to interfere with that as it might create administrative problems. The department may go ahead with that."

Whereas, an OA No.1897/19 titled Rakesh Kumar & Ors. Vs. GNCTD was filed wherein following relief was sought:

- (i) To quash and set aside the impugned notification dated 19.06.2019 & 26.06.2019, whereby offline examination for the various post code mentioned in the notifications is scheduled for 13.07.2019, 14.07.2019 and 21.07.2019, despite the order dated 25.02.2016 passed by this Hon'ble Tribunal directing for framing a policy in accordance with the observations made by Hon'ble High Court in Sonia Gandhi before the new selection process commences.
- (ii) To direct the Respondent to frame a scheme/ policy for regularisation.
- (iii) To direct the Respondent to continue the Applicant in service till they attain the age of superannuation.

Whereas, in same OA, the Applicants sought following Interim Relief:

In view of the aforementioned, it is most respectfully prayed that pending final disposal of OA, this Hon'ble Tribunal may be pleased to stay the operation of impugned notifications No. F55 (165)/DSSSB/EXAM/2019 dated 19.06.2019 & F55 (1445)/DSSSB/EXAM/2019 dated 26.06.2019, being contrary to the orders dated 24.02.2014 and 25.02.2016 passed in OA No. 579/



2019. And/ or to pass any other order which this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case.

Whereas, on said OA, the Hon'ble Tribunal delivered its verdict on 08.07.2019 the relevant portion of which is as under:

*"The OA is filed challenging Notifications dated 19.06.2019 and 26.06.2019. Through the said notifications, the respondents propose to conduct examination in pursuance of advertisement No. 01/14 dated 20.01.2014.*

*It is submitted that the applicants have earlier, filed O.A. No. 579/2014 challenging the advertisement No. 01/14. The Tribunal, however, refused to interfere with the same. Observations were made as regards regularisation of the services of the applicants. The steps which are being taken are purely for the purpose of selection of candidates, by conducting Written test. We are not inclined to accede to their request for interim prayer. We find that for one reason or the other, the selection for the posts in accordance with the prescribed procedure could not be carried out for the years. If it is stayed, the institutions would be deprived for the service of meritorious candidates. We therefore, reject the interim prayer."*

Whereas, subsequent, to said order, the applicants had filed two Contempt Petitions No. 317/19 & 466/19 in OA 579/2014 with following prayer:

Initiate contempt proceedings against the contemnor for their wilful disobedience for not formulating the policy of regularization and further in terminating the services of the applicants despite the categorical findings of this Hon'ble Tribunal in order dated 25.02.2016.

Whereas, in response to said contempt petition the respondent had submitted that "As far as formulating of policy is concerned, the respondent has formulated a policy vide Office Memorandum dated 11.06.2019 in respect of the contractual employees working under Govt. of NCT of Delhi at the time of regular appointment on direct recruitment basis."

Whereas, the applicants being aggrieved by the Hon'ble CAT's order dated 08.7.2019 in interim application in OA 1897/19, filed a W.P. (C) No.8455/2019 in Hon'ble High Court of Delhi.

Whereas, in said W.P. (C) on 05.08.2019, Hon'ble High Court of Delhi delivered its verdict, the operative portion of which is as under:



*"Considering the circumstances, we are not inclined to interfere with the impugned order and grant any stay of the recruitment process that the respondents are undertaking. However, we make it clear that it shall not be a ground available to the respondents to reject the petitioners' claim for regularization that the vacancies have already been filled and are not available. We also direct the respondents to take a decision on the petitioners claim for regularization positively within the next three months and to communicate their decision to the petitioners."*

Whereas, meanwhile, a W.P. (C) 1456/2020 in Hon'ble High Court of Delhi was filed by the applicants, against Hon'ble CAT order dated 23.09.2019 wherein Hon'ble Tribunal directed as under:


*"We, therefore dispose of the MA, directing that the respondent shall not displace the applicants herein, with any newly recruited person. If, however, it becomes inevitable, it shall be open to them to move this Tribunal, by filing an appropriate application, in accordance with law."*

Whereas, said petition was disposed of, vide Hon'ble High Court of Delhi Order dated 11.02.2020, with following directions:

*"A Co-ordinate Bench of this court in the case titled Amar Jeet & Ors. Vs. Govt. of NCT Delhi & Ors. has declined to stay the recruitment process. The only relief granted to the petitioners in that case is that a decision be taken on their claim for regularization. Since the petitioners are similarly situated, their representations shall also be placed before Lieutenant Governor, to enable the LG to pass appropriate orders, as directed in earlier order dated 05.08.2019. Order dated 05.08.2019 would accordingly apply to the petitioners as well.*

*With these directions, the writ petition and pending applications are disposed of."*

Whereas, it has been noticed that no court has granted the relief of regularisation to the Applicants, only direction was given that department may take one time policy decision regarding regularisation and the respondent has already formulated a policy dated 11.06.2019 giving one time age relaxation to the Contractual Craft Instructors to participate in the regular selection process. Lt. Governor, in the matter of Amarjeet, has already rejected the prayer of regularisation and only granted one time age relaxation to the Applicants to participate in the regular selection process. Even the Judgment of Karnataka Vs. Uma Devi had categorically held that only those who had put in 10 years' service on 10.04.2006 can be considered for regularization if legally appointed, and not thereafter.

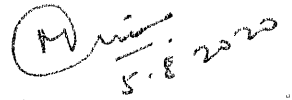


Whereas, in both the orders dated 05.08.2019 & 11.02.2020 of the Hon'ble High Court of Delhi, the respondent was directed to take a decision on claim for regularization of the applicants.

Whereas, the Govt. of NCT of Delhi has already formulated and also circulated the policy dated 11.06.2019 in r/o of regularisation of contractual employees.

Furthermore, as per direction given in Hon'ble High Court Order dated 11.02.2020 the respondent i.e. DTTE, Govt. of NCT of Delhi has placed the matter before the Hon'ble LG for appropriate order.

Therefore, in the light of foregoing, Hon'ble Lt. Governor, Delhi has decided that the policy issued by Govt. of NCT of Delhi vide OM dated 11.06.2019 is final policy and the applicants can claim regular appointment only through proper recruitment process of DSSSB after availing the relaxation given vide aforesaid Policy, if otherwise, eligible for the post. Hence, the claim of the applicants for regularisation without following due process of selection cannot be acceded to.

  
5.8.2020

(Manisha Saxena)  
Secretary (TTE)

(By order and in the name of Lt. Governor, Delhi)

No. F.32 (56)/CC/Trg.Admn./2020/382

Dated 11/08/2020

Copy to:

1. P.S. to Hon'ble Lieutenant Governor,
2. P.S. to Secretary, TTE,
3. Govt. Counsel, 243, Lawyers' Chambers, Delhi High Court, N. Delhi-110003,
4. All the ITIs for circulating to all the Applicants (i.e. CCIs) who are posted in their respective ITI.
5. System Analyst for uploading the Order on Department's web site.



(Dr. Babita)  
Administrative Officer (E-II)