

**CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 3
O.A./2904/2024 (DELHI)
[TERMINATION]
Court No.: 2

No of Adjournment:

Order Dated: 26/07/2024

**SANTOSH KUMAR
Vs
GNCTD**

For Applicant(s) Advocate : Mr. Anuj Aggarwal with Ms. Divya Aggarwal, Mr. Shakib Malik and Mr. Pradeep Kumar

For Respondent(s) Advocate : Mr. H.A. Khan

Order of The Tribunal

1. Learned counsel for the applicants submits that the applicants in the captioned OA were initially engaged as Swimming Life Guards and subsequently they were declared as contractual Swimming Life Guards by the respondents. Learned counsel further submits that all the applicants have been working as such with the respondents for the period i.e. from six years to twenty years continuously and they have been discharging their duties to the entire satisfaction of the Authorities under the respondents. He further submits that though the work for which the applicants have been engaged and continued for such a long period is still available with the respondents. However,

the respondents have abruptly issued the impugned order dated 19.06.2024 providing therein that the employment of the applicants shall automatically be over w.e.f. 31.07.2024.

2. Learned counsel for the applicants further adds that though 52 sanctioned posts of Swimming Life Guards are lying vacant with the respondents and against such vacant posts applicants are working. However, without considering the applicants for regularisation and/or even in absence of there being any other selected candidates available the respondents have chosen to issue the impugned order vide which the engagements of the applicants is likely to be over after 31.07.2024.
3. Applicants have filed the captioned MA seeking permission of this Tribunal to file the captioned OA jointly. He submits that all the applicants are similarly placed, they have prayed for similar reliefs on common ground.
4. Issue notice. Mr. Khan, learned counsel, who appears for respondents on advance service, accepts notice.
5. Learned counsel for the applicants presses for grant of interim relief in the form of stay of the impugned order dated 19.06.2024 till the next date of hearing and/or disposal of the OA.

6. On the other hand, Mr. Khan, learned counsel for the respondents has vehemently opposed the applicants' prayer for grant of interim relief. He submits that the applicants are admittedly contractual employees and it is always within the domain of the respondents to decide as to contract should be continued to what period. The issue as regards necessity of continuing the applicants under the domain of the respondents is to be decided.
7. We have considered the submissions made by the learned counsels for the parties on the applicants' prayer for grant of interim relief.
8. In the facts and circumstances, respondents are directed to maintain status quo qua the services of the applicants as of today till the next date of hearing.
9. In the facts and circumstances of the case and keeping in view of no objection from the learned counsel for the respondents, captioned MA is allowed.
10. Mr. Khan, learned counsel for the respondents seeks and is allowed four weeks' time to file counter reply. Applicant shall be at liberty to file rejoinder, if any, within two weeks thereafter.
11. List on 12.09.2024.

12. Respondents shall be at liberty to approach this Tribunal for vacation/modification of the interim order, if so advised, however of course after filing of reply/short reply and by way of a miscellaneous application in this regard.

Sanjeeva Kumar
Member (A)

R. N. Singh
Member (J)

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