

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: November 30, 2017

+ **W.P.(C) 10673/2017 & CMs 43663-64/2017**

ANSHUL SHARMA AND ORS.

..... Petitioners

Through: Mr. Anup Kumar, Mr. Bhupendra
Singh and Ms. Neha Jaiswal, Advocates

versus

TELECOMMUNICATIONS CONSULTANTS INDIA LIMITED
AND ORS

.....Respondents

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioners are the contractual employees of first respondent, who are aggrieved by impugned Termination Notices (*Annexures P-1 to P-5*) and office order (*Annexure P-6*) vide which their contractual service comes to an end today forenoon.

2. Quashing of impugned Termination Notices (*Annexures P-1 to P-5*) and office order (*Annexure P-6*) is sought by petitioners while asserting that first four petitioners have been in contractual employment of first respondent as Engineers/Technicians since the years 2007/08 and fifth petitioner has been in contractual employment of first respondent since the year 2011.

3. Learned counsel for petitioners submits that the service of petitioners is being illegally dispensed with, despite their having

satisfactorily worked on their respective posts. It is pointed out that vide Advertisement (*Annexure P-55*) fresh contractual appointments are sought to be made on petitioners' posts of Engineers/Technicians, which is not only unjustified but also impermissible. Learned counsel for petitioners further submits that since petitioners were already working with first respondent, therefore, they had not applied in pursuance of Advertisement (*Annexure P-55*) issued way back in August/September, 2017 and though petitioners are not overage, but they would be getting lesser pay if they apply pursuant to the fresh Advertisement (*Annexure P-55*) now issued for the posts in question.

4. It is submitted on behalf of petitioners that petitioners had made Representations on 26th October, 2017 (*Annexure P-57*), 13th November, 2017 (*Annexure P-59*) and 14th November, 2017 (*Annexure P-60*) seeking release of their salary dues since July, 2017 and with a request to respondent to continue with the contractual service of petitioners under the '*Pan African E-Network Project*', but to no avail. It is also submitted by learned counsel for petitioners that even to the Legal Notice of 20th November, 2017 (*Annexure P-61*) sent on behalf of petitioners, there is no response. Learned counsel for petitioners on instructions submits that the '*Pan African E-Network Project*' has not come to an end and infact this Project has been extended on 30th June, 2017 for another five years. Learned counsel for petitioners also submits that pursuant to the Advertisement (*Annexure P-55*), no appointments on contractual basis on the posts of Engineers/Technicians have been yet made by respondents.

5. It is also submitted on behalf of petitioners that advance notice of this petition has been sent to the respondents by speed post on 28th

November, 2017. None appears on behalf of respondents despite service of advance notice.

6. Upon hearing, I find that in the facts and circumstances of this case, first respondent ought to respond to petitioners' Legal Notice of 20th November, 2017 (*Annexure P-61*) while treating it to be a Representation and to highlight as to why fresh Advertisement regarding posts on which petitioners are working is being issued, especially, when petitioners are already working on contractual basis and fresh Advertisements too are also for employment on contractual basis. This aspect needs to be considered in light of the service record record/performance of petitioners. Petitioners' claim for withdrawal of impugned Termination Notices (*Annexures P-1 to P-5*) and office order (*Annexure P-6*) and also their claim for release of salary from July, 2017 are required to be dealt with by first respondent while spelling out the reasons in support of the decision so taken. In case, fresh appointment on contractual basis in place of petitioners have not been made by respondents till date, then petitioners be permitted to continue on the posts held by them, till petitioners' Legal Notice of 20th November, 2017 (*Annexure P-61*) is decided by first respondent. Let petitioners' Legal Notice of 20th November, 2017 (*Annexure P-61*) be decided by first respondent expeditiously but latest within four weeks and the fate of the Legal Notice, now treated as Representation, be made known to petitioners within a week thereafter. Till then, petitioners be allowed to man the positions held by them.

7. Let first respondent be apprised of this order forthwith to ensure its compliance.

8. With aforesaid directions, this petition and the applications are disposed of.

9. Copy of this order be given *dasti* under the signatures of the Court Master to learned counsel for the parties.

(SUNIL GAUR)
JUDGE

NOVEMBER 30, 2017

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