

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

Date of Order: May 01, 2018

+ **W.P.(C) 4561/2018 & CM APP Nos.17701-03/2018**

SANGHAMITRA MOHANTY Petitioner

Through: Mr.Ashok Kumar Panda, Senior
Advocate with Mr.Aniruddha
Purushotam and Mr.Satyabrata
Panda, Advocates

versus

HSCC (INDIA) LIMITED AND ANR. Respondents

Through: Ms.Shiva Lakshmi, CGSC with
Ms.Saakshi Agrawal, Advocate for
Respondent No. 2-UOI

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1 Vide letter dated 07.10.2015 (*Annexure P-4*), the petitioner was appointed as an Assistant Manager on contractual basis for a period of two years. On the strength of the aforesaid appointment letter, petitioner vide representation of 25.02.2018 (*Annexure P-7 Colly.*) had sought continuation of tenure while relying upon Clause 11 of Appointment letter (*Annexure P-4*). The aforesaid clause specifies that such an appointee shall be eligible for consideration for absorption on regular basis subject to availability of vacancies and consistent record of satisfactory performance as per the recruitment rules.

2 Learned senior counsel for petitioner submits that the post of

Assistant Manager in question has been advertised by first respondent and the said advertisement is also for appointment on contract/absorption basis. Reliance is placed on decision of a coordinate Bench of this Court in W.P (C) No.3512/2014 titled: *Abhinav Chaudhary & Ors. Vs. Delhi Technological University & Anr.* decided on 20th January, 2015 to submit that one set of contractual employees cannot be replaced by another set of contract employees, as such an action discloses arbitrariness. It is submitted that petitioner's representation (*Annexure P-7 Colly.*) is quite detailed one and it has been summarily rejected vide order of 5th March, 2018 (*Annexure P-8*). Despite service of advance notice, none appears on behalf of the first respondent.

3 Upon hearing and on perusal of impugned order of 5th March, 2018 (*Annexure P-8*), I find that it is cryptic one and it nowhere deals with the stand taken by the petitioner in the Representation (*Annexure P-7 Colly.*). In the facts and circumstances of this case, it is deemed appropriate to call upon first respondent to reconsider petitioner's representation (*Annexure P-7 Colly.*) and to pass a speaking order on petitioner's Representation of 25.02.2018 (*Annexure P-7 Colly.*) within a period of four weeks and to convey the fate of Representation to petitioner within a week thereafter, so that the petitioner may avail of the remedies as available in law, if need be. Till it is so done, the process of filling up of one post of Assistant Manager (E-1) be not finalized. The first respondent be apprised of this order forthwith, to ensure its compliance.

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

Copy of this order be given *dasti* to counsel for petitioner.

(SUNIL GAUR)
JUDGE

MAY 01, 2018
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