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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: November 07, 2023

+ W.P.(C) 14485/2023

MRS. SANDESH

..... Petitioner

Through: Mr.Manoj Kumar Singh, Advocate
versus

THE COMMISSIONER,

MUNICIPAL CORPORATION OF DELHI Respondent

Through: Mr.Tushar Sannu, Standing Counsel,
MCD with Mr.Devvrat Tiwari,
Advocate.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA****V. KAMESWAR RAO, J. (ORAL)**

1. The challenge in this writ petition is to an order dated February 24, 2023 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal', for short) in O.A. 1500/2017, whereby the Tribunal while disposing of the OA filed by the petitioner herein has stated in paragraph 7 as under:

"7. After considering rival contention, we are of the view that the applicant has no legal right to claim such posts because from the day one, it was made clear that the applicant shall not be reckoned for any purpose and hence shall not be entitled within this period for any regularization and the services of the applicant can be terminated at any time without assigning any reasons for the same. However, we are of the view, since the applicant has rendered her services with the respondents for more than two decades, hence, if the respondent requires services in future, they may call her and engaged in preference to freshers."

2. The submission of learned counsel for the petitioner is two-fold: the



first submission being that the petitioner could not have been disengaged/terminated when no regular appointments were made and the second submission is that the respondents are making fresh appointments as Auxiliary Nurse & Midwife ('ANM', for short) by overlooking the prior right of the petitioner herein.

3. We are unable to agree with both the submissions of learned counsel for the petitioner for the simple reason that when the matter was listed yesterday, Mr.Sannu sought time to take instructions in that regard. He has drawn our attention to Annexure P-1 at page No. 24 of the paperbook, which is an Office order terminating the engagement of the petitioner and similarly placed persons as ANMs w.e.f. May 01, 2017 on the ground that the selected candidates recommended by Delhi Subordination Services Selection Board ('DSSSB', for short) are being appointed. Mr.Sannu states, on instructions, that the aforesaid position is also confirmed by the department. In so far as, the second submission is concerned, as per Mr.Sannu, few ANMs have been engaged through an outsource agency.

4. If that be so, the prayer made by the petitioner in the petition for a direction to reinstate the petitioner with immediate effect cannot be granted. Moreover, the petitioner has not challenged the process of outsource for appointing ANMs in the MCD.

5. We are of the view that the impugned order of the Tribunal does not require any interference by this Court. The petition is dismissed.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

NOVEMBER 07, 2023/v