



**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.1328/2020

Today this the 21st day of September, 2020

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

1. Yogesh Chand Kaushik, Aged 61 years
S/o Sh. Inder Pal
Working as PGT (English) on re-employment
basis in Directorate of Education
GNCT of Delhi, r/o Vill. &
PO Daulatabad, Gurgaon.
2. Nityanand, Aged 60 years
S/o Sh. Bharat Singh
Working as PGT (English) on re-employment
basis in Directorate of Education, GNCT of Delhi
R/o G-128A, South City-II, Gurgaon.
3. Shyam Sunder Arya, Aged 61 years
S/o Sh. Ram Lal
Working as PGT (Pol. Science) on re-employment
basis in Directorate of Education, GNCT of Delhi
R/o 6/27, Gali No.1, Madanpuri, Gurgaon.
4. Ram Kishan, Aged 61 years
S/o Sh. Lal Singh
Working as PGT (Sanskrit) on re-employment
basis in Directorate of Education, GNCT of Delhi
R/o H. No.110, Madhu Vihar, Ward No.5, Rewari.
5. Jai Kishan Sharma, Aged 61 years
S/o Sh. Om Parkash Sharma
Working as PGT (Pol. Science) on re-employment
basis in Directorate of Education, GNCT of Delhi
R/o H.No.311, Ward No.2, Farukh Nagar, Gurgaon.
6. Sarv Sukh, Aged 60 years
S/o Sh. Rishal Singh
Working as PGT (Geo.) on re-employment
basis in Directorate of Education, GNCT of Delhi
R/o Village Rojhka, PO Turkiywas, Distt. Rewari (Har)



7. Suresh Kumar, Aged 61 years
S/o Sh. Sardar
Working as Vice Principal on re-employment basis in Directorate of Education, GNCT of Delhi
R/o RZ 669/32, Gali No.19, Sadh Nagar
Palam Colony, New Delhi-45.
8. Rajinder Kumar, Aged 61 years
S/o Sh. Puransingh
Working as PGT (Commerce) on re-employment basis in Directorate of Education, GNCT of Delhi
R/o H.No.546/21, Om Nagar, Gurgaon
9. Ms. Reeta Kaul Jalali, Aged 60 years
S/o Sh. Rajinder Kumar Jalali
Working as TGT (Hindi) on re-employment basis in Directorate of Education, GNCT of Delhi
R/o C-262, Pase-III, Sushant Lok, Sector 57
Gurgaon.
10. Bhagwat Sarup Atri, Aged 61 years
S/o Sh. G.L. Atri
Working as PGT (English) on re-employment Basis in Directorate of Education, GNCT of Delhi
R/o Plot No.162/6A, Suraj Vihar, Dwarka, New Delhi.
11. Harish Chander Sharma, Aged 60 years
S/o Sh. Rama Nand Sharma
Working as PGT (English) on re-employment basis in Directorate of Education, GNCT of Delhi
R/o H.No.313A, Gali No.4, 'K' Block
Mahipalpur Extension, New Delhi-37.
12. Ms. Anita Prabhakar, Aged
W/o Sh. Sekhar Parbhakar
Working as PGT (English) on re-employment basis in Directorate of Education, GNCT of Delhi
R/o 1489A, Sector B1, Vasant Kunj
New Delhi-70. ... Applicants

(By Advocate :Mr. Yogesh Sharma)

Versus

1. Govt. of NCT of Delhi
Through the Chief Secretary
New Sectt. Near ITO, New Delhi.



2. The Director(Education)
Directorate of Education
Govt. of NCT of Delhi
Old Sectt. New Delhi.

(By Advocate : Mr. H.A. Khan)

.. Respondents

Order (Oral)

Justice L. Narasimha Reddy, Chairman

The applicants are retired employees, mostly Teachers and one, Vice Principal, from the Directorate of Education of GNCT of Delhi. There existed a scheme of re-employment of retired Teachers in the administration. The applicants were accordingly engaged, through various orders stipulating that it shall be for a period of two years. Through an order dated 10.09.2020, the Director of Education has taken a policy decision to do away with the system of re-employment of retired Teachers and to discontinue the re-employed Teachers. It was mentioned that the decision had to be taken on account of the fact that the regular appointments are made. This OA is filed challenging the order dated 10.09.2020.

3. The applicants contend that their appointment was for a specific term and in most of the cases no regular appointments were made against the posts, now held by them.

4. We heard Mr. Yogesh Sarma, learned counsel for the applicant and Mr. H.A.Khan, learned counsel for the respondents at the stage of admission.



5. It is fairly well settled that a retired employee does not have any right, or much less fundamental right, to be re-employed. It is with a view to overcome shortage of staff, that the administration has taken a decision to re-employ the Vice Principals and Teachers, for a period, not exceeding two years. It appears that in the recent past the substantial number of Teachers were appointed. Therefore, the administration has taken a policy decision to do away with the re-employment of retired Teachers. It is also mentioned that such of the Teachers who were re-employed would be discontinued.

6. Once the applicant do not have any right to be re-employed as Teachers, we find it difficult to interfere with the impugned order. At the same time, the respondents can verify as to whether any fresh candidates have been appointed against the posts which are hitherto held by the applicants. If such an appointment is not made and there is work load, the feasibility of continuing the applicants on the same terms may be considered. If on the other hand, the work does not exist or the new incumbents have joined, there would not be any necessity to continue the applicants.

6. With this observation, we dispose of the OA. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman