

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



O.A. No. 1450/2020
M.A. No. 1835/2020

This the 7th day of October, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

1. Sushil Kumar Sharma
S/o- Sh. Ram Kumar Sharma
R/o- House No. 304, Gali No. 10
Sukhbir Nagar, Karala, Delhi-110 084
2. Narendra Kumar Jha
S/o- Sh. Rajeshwar Jha
R/o-DA-16E, Near Hari Nagar clock Tower,
DDA LIG Flats, Hari Nagar,
New Delhi-110064
3. Bhogendra Mishra
S/o-Late Shilkar Mishra
R/o-D-76/2, Baba BalakNath Mandir,
Chhattarpur Extn, Mehrauli, Delhi-110054
4. Jagdish Prasad Sharma
S/o- Late Roshan Lal Sharma
R/o- RZ-B-29, Gali No.1,
Kailash Puri, Palam Colony, Delhi-110045
5. Munni Lal
S/o- Sh. Ram Pati
R/o- J-1441, Jahangir Puri, Delhi-110033
6. Suresh Pal
S/o- Sh. Kadam Singh
R/o-1682, Delhi Admn. Flats,
GulabiBagh, Delhi- 110 007
7. Anupam Mishra
S/o-Sh. Ramesh Mishra
R/o- 624-B, Gali no-6
Govindpuri, Delhi-110019



8. Anurag Sharma
S/o- Sh. JhammanLal Sharma,
R/o- 1651, Delhi Admin. Flats,
GulabiBagh, Delhi – 110 007
9. Naresh Pal Singh Malik
S/o-Sh. Jahan Singh Malik
R/o-1648, 2nd Floor,
Delhi Admn. Flats, Gulabi Bagh
Delhi-110007

.. Applicants

(By Advocate : Shri A.K. Behera)

Versus

Directorate of Education, Delhi
Government National Capital Territory of Delhi
Old Secretariat, Delhi – 110 054
Through
Director [Education]

.. Respondent

(By Advocate : Shri H.A. Khan)

ORDER (Oral)

Hon'ble Mr. Justice L. Narasimha Reddy:

The applicants worked as Teachers in the Directorate of Education, Government of NCT of Delhi. All of them attained the age of superannuation. In accordance with the administrative decision taken at relevant point of time, they were re-engaged in same positions. The respondents issued an order dated 10.09.2020 stating that recently large number of vacant posts of Teachers were filled through direct recruitment and accordingly, the system of re-



employment of Teachers, Vice Principal and Principal is no longer required. The engagement of all the retired persons was discontinued. This OA is filed challenging the order dated 10.09.2020.

2. The applicants contend that the re-engagement was on the basis of the Cabinet decision with the approval of the Lieutenant Governor, whereas the impugned order was issued by the Directorate of Education. It is also pleaded that the statement made in the impugned order that large number of vacant posts were filled is factually incorrect and even as of now, thousands of posts are remain vacant. The applicants also contend that their engagement cannot be discontinued halfway through. Certain grounds were also urged.

3. We heard Sh. A. K. Behera, learned counsel for the applicant and Sh. H.A. Khan, learned counsel for the respondents.

4. It was in the year 2007 that a decision was taken by the Cabinet to re-engage the retired teachers subject to certain conditions and after the age of 62 years. One more decision of that nature was taken on 24.09.2013 and this time, the age was enhanced to 65 years.



5. The impugned order reads as under:

ORDER

SUBJECT : DISCONTINUING THE PROVISION OF RE-EMPLOYMENT IN R/O TEACHERS / VICE PRINCIPALS/PRINCIPALS

Whereas the system for Re-employment of Teachers was notified and later extended to Vice Principals and Principals in view of the large number of vacancies which existed at that time in the Directorate of Education.

And whereas the Department has recently been able to fill a large number of vacant posts through Direct Recruitments.

Now, therefore, the provision of Re-employment of Teachers/Vice Principals/Principals is continued with immediate effect. Accordingly, all types of Re-employment granted for the sessions 2020 in govt. and govt. aided schools shall cease to be in force with immediate effect and no re-employment shall be granted to the Teachers/Vice Principals/Principals in govt. and govt. aided schools henceforth.

Sd/-
UDIT PRAKASH
DIRECTOR(EDUCATION)

6. From a very perusal of this, it is evident that the Government has taken note of the fact that substantial number of teachers were appointed through direct



recruitment and accordingly all the re-employments are brought to an end.

7. We would have certainly examined the issue, from the point of principles of natural justice or as to the competence of Director to pass the impugned order, had it been a case where the applicants are vested with any legal and fundamental right to be re-employed. It is well settled legal principle that a retired employee has no right to be re-employed.

8. In a way, such an arrangement does not serve the public purpose at all. At a time when thousands and lakhs of well educated and well trained youngsters are waiting for employment, it is not at all advisable to continue a retired employee, in the same posts. Whatever may have the circumstances, under which, the applicants were re-engaged, the same situation cannot be continued for long. The efforts made by the respondents to run the schools through freshly recruited teachers cannot be found fault with. In case any further need exists, the feasibility of engaging the qualified unemployed persons, even on contractual basis, can be considered till a regular recruitment takes place. Further, if the expertise of any retired teacher is need for the institutions, necessary orders



can be passed for continuance of the retired teachers.

Under similar circumstances, we dismissed the OA No. 1328/2020 on 21.09.2020.

6. We do not find any merit in the OA and accordingly the same is dismissed.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (J)

(Justice L. Narasimha Reddy)
Chairman

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