



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

**OA No.1447/2020  
M.A. No.1839/2020**

Today this the 5<sup>th</sup> day of October, 2020

Through video conferencing

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

1. Jaspal Kaur  
W/o Shri S.P. Singh  
R/o H.No. 10/136, Block-10  
Malviya Nagar, New Delhi-110017.
2. Chandra Pal Singh  
S/o Shri Ram Phool Singh  
R/o 2001, Type-IV (New)  
Delhi Adm. Flats  
Gulabi Bagh, Delhi-110007.
3. Peetamber Singh  
S/o Shri Chhidda Singh  
R/o 1323, Gali No.50E  
Molarband Extn. Badarpur  
Delhi-110044.
4. Narendra Kumar  
S/o Shri Badlu Ram  
R/o 58, Tigi Pur  
Delhi-110036.
5. Nand Lal Pathak  
S/o Shri Shankar Pathak  
R/o HR-200, B/5, Pul Prahladpur  
New Delhi-110044.

.. Applicants

(By Advocate : Mr. Sanjiv K. Jha)

Versus

Directorate of Education, Delhi  
Government National Capital Territory of Delhi



Old Secretariat, Delhi-110054  
Through Director (Education).

..Respondent

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

### **Order (Oral)**

**Justice L. Narasimha Reddy, Chairman**

The applicants are retired Teachers 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 was taken on account of the fact that the regular appointments are made. This OA is filed challenging the order dated 10.09.2020.

2. 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.

3. We heard Mr. Sanjiv K. Jha, learned counsel for the applicants and Mr. H.A. Khan, learned counsel for the respondents, at the stage of admission.



4. 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.

5. Once the applicants 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 exists 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.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

/joshi/jyoti/rachna/sd/akshaya14oct/