

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

**O.A. No. 1436/2020
M.A. No. 1824/2020**

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. Society for Teachers' Cause through its
Secretary Executive
Sh. Kapil Mohan Sharma,
S/o Sh. C.B. Sharma
Registered Office aged about 52 years
23A, East Baldev Park
A Block, Krishna Nagar,
New Delhi-110051
2. SH. SATISH TOKAS
Aged about 61 years
S/o LATE SH. RAJ SINGH
R/o 248A/3, MUNIRKA VILLAGE
NEW DELHI-110067
(Working as Lecturer (Pol. Science))
3. MS. ASHA JHINGAN
Aged about 60 years
W/o SH. VIRENDER KUMAR
R/o J-52, KIRTI NAGAR,
NEW DELHI-110015
Working as YOGA TEACHER
4. SH. RAJPAL TEHLAN
Aged about 60 years
S/o SH. BALBIR SINGH
R/o B-77, INDRA PARK,
NEAR BHOLI RAM PUBLIC SCHOOL, NAJAFGARH, NEW
DELHI-110043
Working as TGT HINDI
5. SH. RAJESH KUMAR
Aged about 61 years
S/o SH. KAPOOR SINGH
R/o H. N. 2908, SECTOR -9A,
BAHADHUR GARH, Haryana

Working as LECTURER MATH

6. SH. NARAIN DATT SANDLAS
Aged about 60 years
S/o LATE SH. HARI SINGH
R/o H. NO. 26, A BLOCK,
PHASE-V, GALLI NO.5, PREM NAGAR, NAJAFGARH,
NEW DELHI-110043
Working as LECTURER COMMERCE
7. SH. BHOOR SINGH
Aged about 60 years
S/o SH. AMAR CHAND MEENA
R/o RZ-37, NANAK PIAU 1st,
NEW GOPAL NAGAR, DHANSA ROAD, NAJAFGARH, N D-
110043
Working as PRINCIPAL
8. SH. CHANDRA SHEKHAR
Aged about 61 years
S/o SH. RAM SWAROOP
R/o H. NO. 114, GALLI NO.9,
PREM VIHAR, NANGLI DAIRY,
NAJAFGARH, NEW DELHI-110043
Working as LECTURER HINDI
9. SH. OMPRAKASH UPADHYAY
Aged about 61 years
S/o SH. RAM TEJ UPADHYAY
R/o D-65, MAKSDABAD COLONY,
NAJAFGARH, NEW DELHI-110043
Working as LECTURER SANSKRIT
10. SH. JAIBIR SINGH RATHI
Aged about 61 years
S/o SH. PITAM SINGH
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11. SH. MURARI LAL SARASWAT
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R/o RZ-7, I BLOCK, GALLI NO.4,
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12. SH. BRAHAM PRAKASH





Aged about 60 years
 S/o LT. SH. THAKAR DASS
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13. MS. MADHU SHARMA
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14. SH. OMPRAKASH GAUR
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 S/o SH. RAMESHWAER PARSAD GAUR
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15. SH. PRAVEEN KUMAR BHARDWAJ
 Aged about 61 years
 S/o LATE SH. ONKAR SHARMA
 R/o H NO. 14A, NEHRU GALI NO.2,
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16. MS. RAJESH KUMARI
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17. SH. RAJENDER KUMAR GAUTAM
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18. MS. SUSHILA CHAHAL
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19. MS. SHASHI GUPTA
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20. SH. RAM KUMAR TOMAR
Aged about 60 years
W/o SH. SUKHBIR SINGH TOMAR
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21. SH. AJEET KUMAR
Aged about 61 years
S/o SH. BRIJ PAL SINGH
R/o D-730/35, GALI NO.11,
ASHOK NAGAR, SHAHDARA,
DELHI-110093
Working as TGT SOCIAL SCIENCE
22. SH. BHARAT VIR
Aged about 61 years
S/o SH. SHIV CHARAN
R/o D-1-629, GALI NO.18, HARSH VIHAR, DELHI-110093
Working as TGT HINDI
23. SH. PUSHPANKAR DEO
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Working as LECTURER PHYSICAL EDN
24. SH. RAMESH CHAND
Aged about 61 years
S/o SH. LILA SINGH
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Working as LECTURER PHYSICAL EDN
25. SH. NATHI RAM
Aged about 60 years
S/o SH. SAT PAL
R/o A-289, GALI NO.7, MANDOLI EXTN.,

DELHI-110093
Working as PET



26. MS. RAJVATI KAUSHIK
Aged about 61 years
S/o SH. H.K. KAUSHIK
R/o D-209, B-2, JAI AMBIKA APPTT.,
SHYAM PARK EXTN. SAHIBABAD-201005
Working as LIBRARIAN
27. MR. MOINUDDIN
Aged about 60 years
S/o MR. NASEER UDDIN
R/o C-55/13, GALI NO.7,
NEAR KASHMIRI BUILDING,
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28. SH. SOMPAL SINGH
Aged about 61 years
S/o SH. RAM SWAROOP
R/o D-1/277, STREET NO.13,
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29. SH. LAKHMI CHAND VERMA
Aged about 60 years
S/o SH. PHOOL SINGH
R/o 82, PKT-C, GTB ENCLAVE,
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Working as LECTURER GEOGRAPHY
30. MS. SWALEHA BEGUM
Aged about 61 years
W/o MR. RAZA HUSSAIN
R/o C-3/179, YAMUNA VIHAR,
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31. SH. RAJ KUMAR
Aged about 60 years
S/o SH. NATHU SINGH
R/o A-4/G-17, EAST GOKULPUR,
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Working as PGT HINDI
32. SH. RAM KARAN
Aged about 60 years
S/o SH. ROSHAN LAL

R/o H. NO. 233, JANTA FLAT,
GTB ENCLAVE, DELHI
Working as TGT SOCIAL SCIENCE



33. SMT. RAJ RANI DIWAN
Aged about 60 years
W/o LATE SH. GIRVER LAL
R/o B-325, TOWER-5, ASHIANA UPVAN, AHINSA KHAND-II, INDIRAPURAM
Working as LIBRARIAN
34. SH. MAHENDRA SINGH
Aged about 61 years
S/o SH. GULAB SINGI
R/o 7/109A, SECTOR-2,
RAJENDER NAGAR, SAHIBABAD, GHAZIABAD
Working as LECTURER PHYSICAL EDN
35. SH. MADAN PAL SINGH SIROHI
Aged about 61 years
S/o SH. SURJEE SINGH SIROHI
R/o VILLAGE NIZAM PUR, POST MODI NAGAR,
DISTT GHAZIABAD, UP
Working as TGT ENGLISH
36. SH. RAKESH BABU
Aged about 60 years
S/o SH. CHET RAM
R/o 93/3, A-BLOCK, GALLI NO.3,
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KARAWAL NAGAR, DELHI-110094
Working as TGT MATH
37. SH. MAHAK SINGH SAROHA
Aged about 60 years
S/o SH. SALATU SINGH
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DELHI-110094
Working as LECTURER GEOGRAPHY
38. SH. RAJ KUMAR
Aged about 60 years
S/o LATE SH. RAM PHAL
R/o B-40, MATA WALI GALLI,
VILLAGE JOHRIPUR, DELHI-110094
Working as TGT HINDI
39. SH. KARTAR SINGH
Aged about 61 years



S/o SH. GIRIRAJ SINGH
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40. MS. SATYAVIRI ARYA
 Aged about 61 years
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 R/o B-5/401, YAMUNA VIHAR,
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 Working as LECTURER HINDI

41. SH. SURENDRA SINGH JHINKWAN
 Aged about 60 years
 S/o SH. MADAN SINGH
 R/o J & K 286 B, DILSHAD GARDEN,
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 Working as TGT ENGLISH

42. SH. YOGENDER KUMAR SHARMA
 Aged about 60 years
 S/o SH. OM PARKASH SHARMA
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 Working as LECTURER HINDI

43. SH. JAI BHAGWAN
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 S/O SH. GANGA DAS
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44. DR. VIJAY LAXMI GAUR
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 Working as LECTURER SANSKRIT

45. MS. CHAMPA DEVI UPADHYAY
 Aged about 61 years
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 R/o F/C 94, LAJPAT NAGAR, SAHIBABAD,
 GHAZIABAD
 Working as TGT SANSKRIT

46. SH. HARISH CHANDRA
 Aged about 60 years

S/o LATE SH. BANSHI LAL
 R/o PLOT NO.613/S-3,
 SHALIMAR GARDEN EXTN-1,
 SAHIBABAD
 Working as LECTURER POLITICAL SCIENCE



47. SH. RAJ VEER SINGH
 Aged about 60 years
 S/o SH. DAULA SINGH
 R/o A-2/123, HARSH VIHAR, SHAHDARA,
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 Working as LECTURER HINDI
48. SH. KAMAL PRAKASH
 Aged about 61 years
 S/o SH. JAGMAL SHARMA
 R/o H NO.C-65, GALI NO.3,
 NORTH CHHAJJUPUR, DELHI-110094
 Working as LECTURER COMMERCE
49. MS. SURYA MANI TIWARI
 Aged about 60 years
 W/o SH. LAXMI PD TIWARI
 R/o J-51, EAST VINOD NAGAR,
 DELHI-110091
 Working as YOGA TEACHER
50. SH. GAURI SHANKAR
 Aged about 60 years
 S/o SH. POORAN SINGH
 R/o FLAT NO.109D,
 DDA FLATS MANSOROVAR PARK,
 SHAHDARA, DELHI-110032
 Working as VICE-PRINCIPAL
51. SH. KISHAN LAL
 Aged about 60 years
 S/o SH. SALGA SINGH
 R/o B-5, GALI NO.1, RAJIV NAGAR,
 MANDOLI, DELHI-110093
 Working as VICE-PRINCIPAL
52. SH. HARI RAM SINGH
 Aged about 61 years
 S/o SH. SAMMAN SINGH
 R/o H. NO. 685, MOHALLA GANESH PURA,
 MEERUT ROAD, HAPUR, DIST. HAPUR
 Working as TGT HINDI

53. SH. RAMESHWAR DAYAL TYAGI
 Aged about 61 years
 S/o SH. DALE RAM TYAGI
 R/o A-173, GALLI NO.3, KABIR NAGAR,
 SHAHADRA, DELHI-110094
 Working as VICE PRINCIPAL

54. SH. VINAY KUMAR
 Aged about 60 years
 S/o SH. DHARAM PRAKASH
 R/o H.NO. 319, BEHIND POLICE CHOWKI,
 JATAV GATE, ISHWAR PURI, MEERUT (UP)
 Working as LECTURER CHEMISTRY

55. SH. SURESH CHAND
 Aged about 61 years
 S/o LATE SH. DAL CHAND
 R/o H. NO. 518, SALES FARM COLONY,
 PILKUWA, HAPUR
 Working as TGT SANSKRIT

56. SH. HARMAYA SINGH
 Aged about 61 years
 S/o SH. RAM KISHAN
 R/o VILLAGE PUTHAR,
 P.O. AMI NAGAR,
 DISTT BAGPAT(UP)
 Working as VICE-PRINCIPAL

57. SH. ASHOK KUMAR
 Aged about 60 years
 S/o SH. DHARAMVEER SINGH
 R/o D-372, GREEN HEIGHTS A TO Z COLONY,
 MODIRURAM, MEERUT
 Working as LECTURER PHYSICAL EDN

58. SH. SUBHASH CHANDRA
 Aged about 60 years
 S/o SH. RAMANAND
 R/o H-39, GANGA VIHAR,
 DELHI-110094
 Working as LECTURER BIOLOGY

59. SH. JAGPAL SINGH
 Aged about 61 years
 S/o LATE SH. SAMUWA SINGH
 R/o VILL-KHERA, P.O. PILKUWA
 DISTT HAPUR, UP-245304
 Working as VICE-PRINCIPAL





60. SH. ANIL TICKOO
Aged about 61 years
S/o SH. KULDEEP TICKOO R
R/o 135-8, POCKET-A, DILSHAD GARDEN,
DELHI-110095
Working as TGT NATURAL SCIENCE
61. SH. SHRIPAL SHARMA
Aged about 61 years
S/o SH. SOHANPAL SHARMA
R/o A-328, DEFENCE ENCLAVE,
KANKER KHERA, MEERUT-UP
Working TGT ENGLISH
62. SH. VIRESH KUMAR GAUR
Aged about 60 years
S/o SH. D.L. SHARMA
R/o A-27, JITAR NAGAR, PARWANA ROAD,
DELHI-110051
Working as PRINCIPAL
63. SH. PADMESH SHARMA
Aged about 61 years
S/o SH. KRISHAN CHAND RATTAN
R/o H.NO.3, 2ND FLOOR, VISHWKARMA PARK, LAXMI
NAGAR, DELHI-110092
Working as LECTURER PUNJABI
64. SH. PRAHLAD SINGH YADAV
Aged about 60 years
S/o SH. TEJ PAL SINGH
R/o H. No.44, KRISHAN KUNJ,
LAXMI NAGAR, DELHI-110092
Working as VICE-PRINCIPAL
65. SH. HARCHARAN SINGH
Aged about 60 years S
S/o SH. HARI SINGH
R/o 49, LUMBHNI APARTMENT, KAUSHAMBI,
SECTOR-14, I.E. SAHIBABAD, GZB, UP
Working as LECTURER ENGLISH
66. SH. RAKESH KUMAR SRIVASTAVA
Aged about 60 years
S/o SH. BHRIGOONATH LAL
R/o C-67, BRAJ VIHAR, C-BLOCK,
GHAZIABAD, UP
Working as LECTURER HINDI



67. SH. GURDEV SINGH
 Aged about 60 years
 S/o SH. TARA CHAND
 R/o 28/36, KASTURBA NAGAR,
 SHAHDARA, DELHI-110032
 Working as LECTURER POL SCIENCE

68. SH. RAJESH KUMAR SINGH
 Aged about 60 years
 S/o SH. OM PRAKASH SINGH
 R/o 24-B, SAROJINI PARK,
 MAIN ROAD, SHASTRI NAGAR,
 DELHI-110031
 Working as TGT NATURAL SCIENCE

69. SH. RAJESH KUMAR
 Aged about 60 years
 S/o SH. RAMPAL SINGH
 R/o 647, SECTOR-1, VASUNDHARA,
 GHAZIABAD
 Working as TGT MATH

70. SH. MAHESH CHANDRA
 Aged about 60 years
 S/o SH. KISHAN LAL SHARMA
 R/o H. NO. C/117, MASTER GALI,
 NEW ASHOK NAGAR, DELHI-110096
 Working as LECTURER HINDI

71. SH. NAAZBEEN QURESHI
 Aged about 60 years
 S/o MOHD. ZAKARIA
 R/o 215A, J-EXTENTION,
 MURTI WALI GALI-7, LAXMI NAGAR,
 DELHI-110092
 Working as TGT ENGLISH

72. SH. AMAR SINGH
 Aged about 61 years
 S/o SH. BRINDAWAN
 R/o HOUSE NO.523, BLOCK-A,
 GHAROULI DAIRY FORM, NEAR MAYUR VIHAR
 PHASE-3, DELHI-110096
 Working as LECTURER SANSKRIT

73. SH. GAJENDRA SINGH
 Aged about 61 years
 S/o SH. VED SINGH

R/o A-1/66/30, EAST GOKALPUR,
DELHI-110094
Working as TGT NATURAL SCIENCE



74. SH. GHANSHYAM DASS
Aged about 61 years
S/o SH. DEEP CHAND
R/o 1/547, 1sT FLOOR, SECTOR 1,
VAISHALI, GZB-201010
Working as YOGA TEACHER
75. MS. JOGINDER KAUR
Aged about 60 years
S/o SH. DHARAM SINGH
R/o 55, KAMAYANI KUNJ APT,
PLOT NO.69, I.P. EXTN,
DELHI-110092
Working as YOGA TEACHER
76. SH. RAVINDER KUMAR ARORA
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S/o SH. KADAM SINGH ARORA
R/o GBSSS-1002363, GAZIPUR, DELHI
Working as VICE-PRINCIPAL
77. SH. JAGAT SINGH
Aged about 61 years
S/o SH. NAHAR SINGH
R/o 136, RAM PURA, PILAKHUWA,
HAPUR, UP
Working as TGT HINDI
78. MS. SEEMA GUPTA
Aged about 60 years
S/o SH. ANIL KUMAR GUPTA
R/o F-3, FRIENDS APARTMENT,
49, I.P.EXTN, DELHI-110092
Working as DRAWING TEACHER
79. MS. SHOBHA SHARDA
Aged about 60 years
S/o SH. NARESH KUMAR SHARDA
R/o FLAT NO.24, VIDYT NIKUNJ,
I.P. EXTN.,PATPARGANJ,
DELHI-110092
Working as LECTURER ENGLISH
80. SH. SURENDER PAL SINGH
Aged about 61 years

S/o SH. RANJIT SINGH
 R/o H. NO. A-211, MIG FLATS,
 BRIJ VIHAR, GZB
 Working as YOGA TEACHER



81. MS. VEENA SHARMA
 Aged about 60 years
 W/o SH. RAJESH SHARMA
 R/o A-109, CHANDER NAGAR,
 GHAZIARAD, UP
 Working as YOGA TEACHER
82. SH. DEVENDRA KUMAR MEHTA
 Aged about 60 years
 S/o SH. VED PRAKASH
 R/o 1/6773, EAST ROHTAS NAGAR,
 DELHI
 Working as LECTURER PHYSICS
83. SH. LALIT GUPTA
 Aged about 61 years
 S/o LATE SH. D.L. GUPTA
 R/o C2D/50B, JANAK PURI,
 NEW DELHI-110058
 Working as LECTURER CHEMISTRY
84. SH. SHIV KUMAR TYAGI
 Aged about 61 years
 S/o SH. HARSARN SINGH TYAGI
 R/o LIG FLAT-53, POCKET-7,
 SEC-2, ROHINI, DELHI-110085
 Working as LECTURER POLITICAL SCIENCE
85. SH. SURESH KUMAR SHARMA
 Aged about 61 years
 S/o SH. SULTAN SINGH
 R/o T-235/E1C, 2ND FLOOR,
 BALJIT NAGAR, PATEL NAGAR, DELHI-110008
 Working as LECTURER HISTORY
86. SH. VIRENDER KUMAR ARYA
 Aged about 60 years
 S/o SH. KEDAR SINGH ARYA
 R/o ARYA SAMAJ MANDIR,
 TAGORE GARDEN, AC BLOCK,
 NEW DELHI-110027
 Working as LECTURER SANSKRIT
87. SH. MAHENDRA DASS

Aged about 60 years
S/o SH. JUGAL DASS
R/o WZ-283/56, 2nd FLOOR,
MADDI WALI GALI NO. 3, VISHNU GARDEN,
TILAK NAGAR, NEW DELHI-110018
Working as TGT MATH
ALL APPLICANTS IN GROUP "B" ...Applicants

(through Sh. A.K. Behera with Sh. Sunil Bansal)

VERSUS

Govt. of NCT of Delhi through

1. The Chief Secretary,
Govt. of NCT of Delhi
Players Building,
I.P. Estate, New Delhi
2. The Director,
Directorate of Education,
Old Secretariat,
Delhi-110054.

(through Sh. 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 Principles and Principles 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

/ns/ankit/akshaya/sd/