



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

**OA No. 1626/2020**

Today this the 2nd day of November, 2020

Through video conferencing

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

Sunita Srivastava, (Aged about 61 years), W/o Mr. Hitendra Srivastava, R/o 113, Aakriti Apartments, Plot No.6, Sector-4, Dwarka, New Delhi-110 075.

... Applicant

(By Advocate : Mr. Uday Srivastava )

Versus

1. Lieutenant Governor of Delhi,  
Govt. of NCT of Delhi, Raj Niwas,  
Raj Niwas Marg, Delhi-110 054.
2. Govt. of NCT of Delhi  
Through the Chief Secretary, Delhi Govt.  
Secretariat, Indraprastha Estate,  
New Delhi-110 002.
3. The Director of Education  
Directorate of Education  
Old Secretariat, New Delhi-110 054.

.. Respondents

(By Advocate : Ms. Esha Mazumdar)



**Order (Oral)**

**Justice L. Narasimha Reddy, Chairman**

The applicant retired as Post Graduate Teacher (English) from the Directorate of Education of GNCT of Delhi. There existed a scheme of re-employment of retired employees in the administration. The applicant was accordingly engaged through various orders clearly stipulating that it shall be for a period of two years or till the regular appointments are made whichever is earlier. Through an order dated 10.09.2020, the Directorate of Education has taken a policy decision to do away with the system of re-employment of Teachers as well as discontinuing the re-employed Teachers. It was mentioned that the decision has to be taken on account of the fact that regular appointments are made. This OA is filed challenging the order dated 10.09.2020.

2. The applicant contends that her appointment was for a specific period and in most of the cases no regular appointments were made against the post now held by her.
3. We heard Mr. Udyan Srivastava, learned counsel for the applicant and Ms. Esha Mazumdar, 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 muchless fundamental right to be re-employed. It is almost a matter of necessity and convenience that the administration has taken a decision to re-employ the Vice Principals and Teachers for a period of 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 are re-employed, would be discontinued. Once the applicant does not have any right to be appointed as re-employed Teacher, 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 is hitherto held by the applicant. If such appointments are made and there is workload, the feasibility of continuing the applicant on the same terms may be considered. On the other hand, if the work does not exist or the new incumbents have joined , there would not be any necessity to continue the applicant.



5. With this observation, the OA is disposed of. There shall be no order as to costs.

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

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

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