

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 616/1991

Date of decision: 01.05.1992

Shri P.C. Singhal

...Applicant

Vs.

Lt. Governor, Delhi & Others

...Respondents

For the Applicant

...In person

For the Respondents

...Shri O.N. Trishal, Counsel

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*

2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant, who has worked as Head of Electrical Engineering Department in the Arya Bhatt Polytechnic under the Directorate of Technical Education, Delhi Administration ~~xxxxxx~~
~~xxxxxx~~ ^a due ~~xxxxxx~~ ^a he was ^{to} retire on 31.07.1989 at the age of 58 years. He requested the respondents to grant him extention upto 60 years of age. Since the respondents did not accede to his request, he filed the present application praying that the respondents be directed to reemploy him as Head Electrical with effect from 1.8.89 for a further period of 2 years with possibility of further extension upto 65 years. He has further prayed that Mrs. B. Parshad, Director-cum-Secretary, Technical Education be directed to be removed from service and that she be criminally prosecuted.

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The prayer concerning Mrs. Parshad is not a service matter which can be adjudicated by this Tribunal and the same is held to be not maintainable.

2. With regard to the prayer for reemployment of the applicant with effect from 1.8.1989, we have heard the applicant in person and the learned counsel for the respondents and have perused the records of the case carefully. At the outset, we may state that though the applicant has made allegation of mala fides against Smt. B. Parshad, Director-cum-Secretary, Technical Education, who has been impleaded as respondent No.2 in the present application, we are of the opinion that he has not substantiated the said allegation by producing any cogent material. In his numerous representations, there is no mention of the alleged mala fides on the part of Smt. Parshad. This allegation appears to have been made as an after-thought.

3. The applicant has stated that some other persons have been given reemployment ~~xxxxxxxxxx~~ but he has been denied the same. According to him, this amounts to discrimination. The respondents have contended that the applicant has no legal right to be re-employed after he had attained the age of 58 years. The respondents considered his case for reemployment/extension but they did not find him fit for the same as there was nothing exceptional about him as a teacher nor was he indispensable to the department. They have also alleged that he could not pull on smoothly with his colleagues.

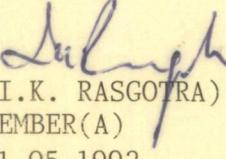
4. The learned counsel for the respondents stated at the Bar that the post of Head of Electrical Engineering Department has been filled up on regular basis by a nominee of the UPSC w.e.f. 15.1.1991. The applicant stated that he is confining his relief

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to payment of wages for the period from 1.8.1989 to 15.1.1991.

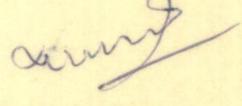
5. In our opinion, the applicant is not entitled to the relief sought by him. The question whether a teacher may be given re-employment/extension is to be decided by the respondents by taking into account his utility and indispensability. The applicant has only a right to be considered for the same, which the respondents have done.

6. In the facts and circumstances of the case, we see no merit in the present applicant and the same is dismissed. The parties will bear their own costs.


(I.K. RASGOTRA)

MEMBER(A)

01.05.1992


(P.K. KARTHA)

VICE CHAIRMAN(J)

01.05.1992

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