

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

OA-1758/2016

New Delhi this the 18th day of May, 2016.

Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Sh. Brahm Avtar Agrawal, Member (J)

1. Indu Thakuer, aged about 28 years,
D/o sh. A.S. Thakur,
R/o H.No. C-53, Nawada Housing Complex,
Dwarka Mod, Uttamnagar, Delhi-59,
Lastly appointed at: GGSSS, Bijvasan,
School ID: 1821035.
2. Yogita Dagar aged about 27 years,
D/o Sh. Dhanvir Singh Dagar,
R/o H.No. 968, Sector-12,
R.K. Puram, Delhi-22,
Lastly appointed at: Govt. SKV, New Friends,
Colony, School ID: 1925033.
3. Preeti Sharma, aged about 27 years,
D/o Sh. Vijay Kumar,
R/o H.No. E-2/152, Gali No. 6, 5th Pusta,
Sonia Vihar, Delhi-94,
Lastly appointed at: GGSSS, Sonia Vihar,
School ID : 1104335.
4. Anita, aged about 33 years,
D/o Sh. Lalta Prasad, R/o H.No. 574, 4th Floor,
Gali No. 12, Majlis Park, Delhi-33,
Lastly appointed at: GGSS, Majlis Park,
School Id: 1309036.
5. Preeti Yadav, Aged about 30 years,
D/o Sh. Ram Kaval Yadav,
R/o H. No. 13, Gali No. 9, Part-III,
Sonia Vihar, Delhi-94,
Lastly appointed at: GGSSS, Sonia Vihar,
School ID: 1104335. ... Applicants
(By Advocate: Sh. R.S. Kaushik)

Versus

1. GNCT of Delhi, through
Chief Secretary,
Delhi Secretariat,
I.P. Estate, New Delhi-2.

2. Director, Education,
Directorate of Education,
Govt. of Delhi,
Old Secretariat, Delhi-54. ... Respondents

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

MA No. 1726/2016 filed for joining together is allowed.

This OA has been filed seeking the following reliefs:

“(i) to direct the respondents to consider the applicants as eligible in terms of the Recruitment Rules. The applicants are adversely effected due to impugned action of the respondents for their no fault.

(ii) to direct the respondents to reengage the applicants as Guest Teachers (TGT Hindi/English) for the session 2016-17.

(iii) to allow the OA with cost.

(iv) to pass such other and further orders which their Lordships of this Hon'ble Tribunal deem fit and proper in the existing facts and circumstances of the case.”

2. Learned counsel for the applicants argued that the applicants were relying on the judgment of Hon'ble High Court of Delhi in Writ Petition No. 1520/2012 and other connected matters dated 07.08.2013. On the basis of the aforesaid judgment, this Tribunal has passed order dated 30.11.2015 in OA No. 3492/2015 in which the following directions were given:

“8. In the light of our above discussion, we have no hesitation in holding that the refusal to re-engage the applicants as Guest Teachers (TGT-English) during the academic session 2015-16 solely on the ground that they

were not re-engaged during the academic session 2014-15 is unsustainable. Accordingly, we direct the respondents to consider the cases of the applicants for re-engagement as Guest Teachers (TGT-English) for the academic session 2015-16 in any of the schools, where vacancies are still available, as per the scheme of engagement of Guest Teachers, and to take a decision by passing a reasoned and speaking order within a period of fifteen days from today. It is also directed that while considering the cases of the applicants, the respondents shall not declare them ineligible for re-engagement as Guest Teachers (Guest Teachers (TGT-English) during the academic session 2015-16 on the aforesaid two grounds which have been found by the Tribunal as unsustainable.

9. In the result, the O.A. is allowed to the extent indicated above. No costs."

3. This order has been complied with by the respondents vide their order dated 17.03.2016 (page 172 of the paper-book). Learned counsel for the applicant has stated that this Tribunal has also passed order dated 04.03.2016 in OA No. 3725/2015 in the case titled Smt. Sima Vs. GNCTD relying on the same judgment of the Hon'ble High Court of Delhi.

4. He has further stated that the case of the applicants was squarely covered by these judgments and prayed that this OA be disposed of with a direction to the respondents to examine the case of the applicants and pass appropriate order in the light of the aforesaid judgments.

5. In view of the limited prayer of the applicants, we dispose of the OA without issuing notice to the respondents and without going

into the merits of this case, with a direction to the respondents to examine the cases of the applicants herein in the light of the aforesaid judgments. If it is found that, the cases of the applicants are covered by these judgments, the respondents shall grant the same benefits to the applicants herein as were granted to the applicants in OA No. 3492/2015 and OA No. 3725/2015. The respondents shall comply with these directions within a period of two weeks from the date of receipt of a certified copy of this order. No costs.

(Brahm Avtar Agrawal)
Member (J)

(Shekhar Agarwal)
Member (A)

/ns/