

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

OA-2729/2016

New Delhi this the 11th day of August, 2016.

**Hon'ble Sh. Shekhar Agarwal, Member (A)
Hon'ble Sh. Raj Vir Sharma, Member (J)**

1. Adarsh Mani Tripathi, aged about 28 years,
S/o Sh. Brajender Mani Tripathi,
R/o H.No.-205- Bhoor Bharat Nagar,
Gaziabad, U.P.-201009,
Lastly employed at GBSSS, New Friends Colony,
School ID 19250005. ... Applicants
(By Advocate: Sh. R S Kaushik)

Versus

1. GNCT of Delhi, through
Its Chief Secretary,
I.P. Estate, Govt. of NCT of Delhi,
New Delhi-2.
2. Director, Education,
Directorate of Education,
Old Secretariat, Civil Lines,
Delhi-54.
3. The Joint Director (Planning Branch),
Planning Branch, Directorate of Education,
Govt. of NCT of Delhi,
Old Patrachar Building,
Timarpur, Delhi-54. ... Respondents

ORDER (ORAL)

Mr. Shekhar Agarwal, Member (A)

This OA has been filed seeking the following reliefs:

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

(ii) to direct the respondents to reengage the applicant as Guest Teachers (TGT -Maths) 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 applicant argued that the applicant was 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. 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 applicant 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 applicant and pass appropriate order in the light of the aforesaid judgments.

5. In view of the limited prayer of the applicant, 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 case of the applicant herein in the light of the aforesaid judgments. If it is found that, the case of the applicant is covered by these judgments, the respondents shall grant the same benefits to the applicant 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.

(Raj Vir Sharma)
Member (J)

(Shekhar Agarwal)
Member (A)

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