

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A.NO.1710 OF 2015

New Delhi, this the 4th day of November, 2015

CORAM:

**HON'BLE SHRI SUDHIR KUMAR, ADMINISTRATIVE MEMBER
AND**

HON'BLE SHRI RAJ VIR SHARMA, JUDICIAL MEMBER

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Subhash Chand Sharma,
Retired Principal, G.B.S.S.S., Dhakka,
School ID: 1309009,
R/o: B-3/195, Yamuna Vihar,
Delhi 110053

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Applicant

(By Advocate: Mr.V.K.Goel)

Vs.

1. Lieutenant Governor of Delhi,
Govt. of NCT of Delhi,
Raj Niwas, Raj Niwas Marg,
Delhi 110054

2. The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Govt. Secretariat,
Indraprastha Estate,
New Delhi 110002

3. The Director of Education,
Directorate of Education,
Old Secretariat,
Delhi 110054

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Respondents

(By Advocate: Mr.Anmol Pandita for Mr.Vijay Pandita)

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ORDER
RAJ VIR SHARMA, MEMBER(J):

The applicant, while working as Principal, Government Boysø Senior Secondary School (hereinafter referred to as 'GBSSSø), Dhakka, Delhi, retired from service on attaining the age of superannuation, i.e., 60 years, on 30.1.2015. He has filed the present O.A. praying for issuance of a direction to the respondents to grant him re-employment in service for a period of two years in terms of the Circular No.F.32(8)/2011/SB/Edn/136-155, dated 27.1.2012, issued by the Government of NCT of Delhi, General Administration Department (Secretariat Education Branch), Delhi.

2. The brief facts of the applicantø's case are that he joined service under the respondents as a Trained Graduate Teacher on 18.7.1985. On his selection and appointment as Post Graduate Teacher (PGT), he joined as a PGT on 12.12.1987. He was promoted from the post of PGT to the grade of Vice-Principal on 29.12.2002, and from the post of Vice-Principal to the grade of Principal on 2.7.2010. He was transferred from GBSSS (AH Block), Shalimar Bagh, Delhi, and was posted to GBSSS, Dhakka, Delhi, as Principal, on 17.7.2013. While working as Principal, GBSSS, Dhakka, he was due to retire from service on 31.1.2015. He, vide his application dated 16.1.2015 (Annexure A/3), requested the Deputy Director of Education, NW-A, Delhi, to grant him automatic re-employment in terms of the Circular No.F.32(8)/2011/SB/Edn./136-155, dated 27.1.2012 (Annexure A/2), issued by the Government of NCT of Delhi, General Administration

Department (Secretariat Education Branch), Delhi. The said Deputy Director of Education, vide his Memo dated 28.2.2015 (Annexure A/4), informed the applicant that his request for re-employment was considered and rejected by the competent authority. It is stated by the applicant that though the Memorandum dated 28.2.2015 (Annexure A/4) did not contain any reason for rejection of his request for re-employment, yet he was verbally informed that due to decline in annual results of Class XII by 11.4% during the year 2013-14, his request was rejected by the competent authority. Being aggrieved by the rejection of his request for re-employment by the said Deputy Director of Education, the applicant made an appeal, dated 17.3.2015 (Annexure A/5), to the Director of Education (respondent no.3). In the appeal, the applicant explained that because of his abrupt transfer to GBSSS, Dhakka, in July 2013, and due to admission of some ineligible students in the concerned streams, there was decline in the annual results of Class XII during the year 2013-14. But his appeal was rejected by the Director of Education without assigning any reason, vide Memo dated 2.5.2015 (Annexure A/6). It is also stated by the applicant that as per the letter dated 21.1.2015 (Annexure A/7) issued by the Secretariat Branch of the General Administration Branch, in his ACRs for three out of four years, he was graded as 'Very Good' and in the ACR for one year, he was graded as 'Good'. In his ACR for the year 2013-14, he was given overall grading of 8.8 points. As per the letter dated 12.1.2015 (Annexure A/8) issued by the competent authority, there was no vigilance or departmental proceeding

pending against him at the time of retirement. He was also awarded certificate of recognition by the then Chief Minister of Delhi for his appreciable and outstanding contribution for the improvement of C.B.S.E.(Annexure A/9).

2.1 It is contended by the applicant that the notification No.F.30-3(28)/Co-ord./2066/689-703, dated 29.1.2007 (Annexure A/10), and the order No. F.32 (8)/2011/SB/Edn/136-155, dated 27.1.2012 (Annexure A/2), having stipulated automatic re-employment of all retiring teachers up to PGT level, and of Vice-Principals/Principals of Government schools, the respondents have acted arbitrarily in denying re-employment to him. The respondents have arbitrarily rejected his request without assigning any reason.

2.2 It is also contended by the applicant that the decline in annual results of Class XII was due to reasons not attributable to him. In GBSSS (AH Block), Shalimar Bagh, where he worked as Principal, the results were 98.8% in the year 2010-11, 100% in 2011-12, and 89.5% in 2012-13, which are the above average results of Delhi Government Schools.

2.3 It is also contended by the applicant that automatic re-employment was given to three other Principals, in whose cases the decline in the annual results was more than that of the applicant.

3. Opposing the O.A., the respondents have filed a counter reply, wherein it is, *inter alia*, stated that the explanation given by the applicant in his appeal, dated 17.3.2015, for the decline in the annual results of Class XII

of the schools was not satisfactory. It was found that the applicant never pointed out the factors responsible for the decline in the annual results of Class XII of the schools prior to the date of his retirement. The results of the schools, where he worked as Principal, were declining continuously. In 2012-13 the decline was 10.5%, and in 2013-14 the decline was 11.4%. At the time of considering the applicant's claim for re-employment, the respondents gave top priority to his professional ability, and results of the schools, in which he failed. Furthermore, it was brought to the notice of the Deputy Director of Education, North West (A), on 31.7.2014, that a student, named, Master Rohit of Class VI of GBSSS, Dhakka, was left unattended in the school for the whole night of 23.7.2014. An inquiry was conducted by a Committee, headed by Dr.A.K.Saxena, Education Officer, Zone-09. The conclusion arrived at by the Committee regarding the role of the applicant in the incident was as under:

“Mr. S.C.Sharma, Principal did not act in a vigilant manner and failed to carry out his duties & responsibilities as HOS. He has not taken any action after the incident.”

A complaint from Sh. R.H.Bansal in respect of Master Rohit, the student of Class VI of GBSSS, Dhakka, was filed and registered as NHRC No. 5701/40/4/2014 before the National Human Rights Commission, New Delhi. In this regard, a show-cause notice dated 13.8.2014 (Annexure R/3) was issued to the applicant by the Deputy Director of Education, North West (A). The explanation submitted by the applicant, vide his reply dated 16.8.2014, was not satisfactory. In his reply, the applicant submitted that he was going

to retire in January 2015, and he assured that he would remain more careful in future and promised that such incident would never occur in future. Keeping in view the said submission and assurance of the applicant, no disciplinary action was initiated against him, but his case for re-employment was considered and rejected. The National Human Rights Commission, vide its order dated 26.5.2015, issued a show-cause notice (Annexure R/4) to the Chief Secretary, Delhi, to show cause as to why the Commission should not recommend monetary relief to the victim. The Government of NCT of Delhi, Home Police-II Department, vide its letter dated 3.6.2015 (Annexure R/5), requested the Director of Education (respondent no.3) to send his reply in NHRC Case No.5701/30/4/2014, *ibid*, directly to the National Human Rights Commission. The Special Director of Education, Directorate of Education, Lucknow Road, Timarpur, Delhi, vide his letter dated 8.6.2015 (Annexure R/6), directed the Deputy Director of Education, North West-A, Shalimar Bagh, Delhi, to take appropriate action at his level and to submit action taken report to the National Human Rights Commission and to the Home (Police) Department in connection with NHRC Case No.5701/30/4/2014, *ibid*. Even after his superannuation on 30.1.2015, a complaint was received from the people of Dhakka village showing their discontentment as no action was taken against the applicant in connection with the said incident. It is also stated by the respondents that ACR grading is not the only parameter for recommending or giving re-employment to the Principal of a school, and that the results of the school, and professional

ability are given top priority by them while considering his/her case for re-employment. It is contended by the respondents that as per the notification dated 28.9.2007, *ibid*, fitness does not mean physical fitness alone, but it also includes professional fitness, which is required to be assessed, and that a retired teacher has no right to re-employment, but has a right to be considered for re-employment. The authorities can deny him/her re-employment after taking into account his/her overall performance. The re-employment is a concession given by the Government with an object to be achieved. The pensioners, who had clean service record and had proved their utility, are only given re-employment. In support of their contentions, the respondents have referred to and relied on the decision of the Honøble High Court of Delhi in **Shashi Kohli vs. Director of Education**, W.P. (C) No.4330 of 2010, decided on 29.4.2011. They have also relied on the decisions of the Tribunal in **Jai Prakash vs. Govt. of NCT of Delhi**, OA No.509/2013, decided on 28.10.2013;and **Mool Chand Dabas vs. Govt. of NCT of Delhi**, OA No.1719 of 2013, decided on 13.1.2014. In view of the above, the respondents pray for dismissal of the O.A.

4. In his rejoinder reply, the applicant, besides reiterating more or less the same averments as in his O.A., has stated that the decisions cited by the respondents in their counter reply are distinguishable on facts. He has no adverse remarks in his entire service period. The re-employment is only subject to two conditions, i.e., fitness, and vigilance clearance. The report about Master Rohit, the student of Class VI of GBSSS, Dhakka, is a

preliminary enquiry report. He was fully exonerated in the final report. Neither the concerned Deputy Director of Education, nor the Director of Education, while considering and rejecting his request for re-employment in service, has whispered about the incident of Master Rohit, the student of Class VI of GBSSS, Dhakka, remaining locked in the school throughout the night of 29.7.2014 due to negligence of the administration of the school. The only reason for which his request for re-employment was rejected by both the Deputy Director of Education, and the Director of Education, was the decline in the annual results of Class XII. It is submitted by the applicant that the purported decline in the annual results of Class XII was properly explained by him in his appeal. In support of his statement, the applicant, along with the rejoinder reply, has filed copies of the note sheets signed by the concerned Deputy Director of Education and the Director of Education. It is also submitted by the applicant that there being no adverse remarks in his whole service career, and vigilance clearance having been issued in his favour by the competent authority, there was no reason to deny him re-employment with effect from 1.2.2015.

5. In the present case, the issue to be decided by this Tribunal is as to whether the respondents were justified in rejecting the applicant's request for re-employment. For considering the said issue, it would be apposite to refer to the notification dated 29.1.2007, the orders dated 28.2.2007 and 27.1.2012, which are reproduced below:

Notification dated 29.1.2007

õNo.F.30-3(28)/Co-ord./2006/680-703 Dated: the 29th January, 2007

NOTIFICATION

In pursuance of Cabinet Decision No. 1112 dated 2.9.2006, conveyed vide letter No. F.3/3/2004-GAD CN/20491-502 dated 8.9.2006, the Lieutenant Governor, Government of National Capital Territory of Delhi is pleased to allow automatic re-employment of all retiring teachers up to PGT level, subject to fitness and vigilance clearance, till they attain the age of 62 years or till clearance from Government of India for extending retirement age is received, whichever is earlier. The terms and conditions of re-employment are being notified separately.

By order and in the name of the Lt.
Governor of the National Capital Territory
of Delhi.

Sd/- Madhup Vyas
Joint Secretary (Education)

Order dated 28.02.2007

öNo. F-30-3(28)/Coord/2006/3/637-72 Dated 28.2.2007

ORDER

In continuation of this office notification No.F-30-3(28)/Co-ord/2006/1679-703 dated 29th January,2007 regarding automatic re-employment of all retiring teachers upto PGT level, I am directed to convey the instructions/guidelines of re-employment as under:

1. The retiring teachers of the Directorate of Education, Government of NCT of Delhi of Delhi, shall be eligible for consideration for re-employment against clear vacancy up to his/her attaining the age of 62 years. The reemployment will be subject to fitness and vigilance clearance of the retiring teacher, i.e. the pensioner. For physical fitness of retiring teacher, a certificate from authorized medical practitioner is required to be submitted to the Head of School, where the retiring teacher has last served. The professional fitness is required to be assessed by DDE of the concerned District after considering work and conduct report, vigilance clearance and medical certificate submitted by the pensioner. The DDE concerned will ensure that the teachers, we are free from vigilance angle, are only reemployed. However, individual teacher should not be made to run around to get the vigilance clearance.
2. The DDE of the concerned District/Branch will be authorized and responsible for issuing the re-employment orders of all teachers after checking vigilance clearance and fitness one month in advance of retirement of the pensioner.

3. The re-employed pensioner will be bound by the instructions contained in the Central Civil Service (Fixation of Pay of Re-employed Pensioners) Orders, 1986. All service conditions will be subject to the provisions of these rules.
4. The re-employed pensioner will have to execute the agreement containing the terms and conditions in Annexure-I of CCS (Fixation of Pay of Reemployed Pensioners) Orders, 1986, with provisions as provided therein. The re-employed pensioner shall furnish receipt as provided in Annexure-II of CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986 along with the pay bill every month.
5. The pay of re-employed pensioners appointed shall be fixed in accordance with the provisions of CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986 i.e. the initial pay on re-employment plus the gross amount of pension shall not exceed (i) the pay he drew before his retirement or (ii)Rs. 26,000/- whichever is less, in pursuance of the O.M. No.8(34)-Estt.III/57 dated 25.11.1958, as modified from time to time. The DDE concerned will however act upon as per the instructions contained in the CCS (Fixation of Pay of Re-employed Pensioners) Orders, 1986 and other procedures and guidelines issued from time to time. All terms and conditions provided in the Annexure-I of Central Civil Services (Fixation of Pay of Re-employed Pensioners) Orders, 1986 shall be part of the Agreement which will be executed by the retiring teacher on judicial stamp paper of Rs.100/-.

This issues with the prior approval of Secretary(Education)Govt. of NCT of Delhi.

(Madhup Vyas)

JOINT SECRETARY(EDUCATION)

Order No.F.32(8)/2011/SB/Edn./136-155 dated 27.01.2012

ORDER

The Honøble Lt.Governor, Government of National Capital Territory of Delhi is pleased to allow re-employment to those Vice-Principals/Principals of Government and Government Aided Schools under the Directorate of Education who have approached the various Honøble Courts and got the judgment in their favour, with immediate effect.

The Honøble Lt. Governor, Delhi, is also pleased to allow the re-employment to all the retired Vice-Principals/Principals of Government and Government Aided Schools, who have not gone to the Honøble Courts but have retired and applied for re-employment to the department after the judgment dated 08.07.2011 in WPC No.4703/2011 titled Dharam Singh Vs. Govt. of NCT of Delhi.

The said re-employment is for a period of one year and extendable for another one year based on the performance and subject to fitness and Vigilance clearance, till they attain the age of 62 years, whichever is earlier. They will get the financial benefit with effect from the date of assumption of work.

The term and conditions of automatic re-employment and other aspects of the re-employment in respect of retired Vice-Principals/Principals of Government schools will remain same as issued by the Directorate vide Notification No.F.30-3(28)/Co-ord./26006/689-703 dated 29/01/2007, order No.30-3(28)/Co-ord./2006/5982-6012 dated 22.03.2007, and in respect of Govt. Aided Schools vide order No.F.30-3(28)/III/Co-ord./07 (Part File)/3426-3429 dated 31.12.2007 and F.No.30-3(28)/III/Coord./07/Pt.file/180-220 dated 15/02/08 respectively.

However, this order is issued subject to the outcome of any appeal filed against the said judgment/order before any higher forum or Courts of Law. Further, it is also subject to the final outcome of any SLP likely to be filed in the Honøble Supreme Court of India against the above said Judgment.

This issues with the prior approval of Competent Authority.

Sd/Shashi Kaushal

Addl.Director (Sectt.Br.)ö

The applicant has referred to the above notification and orders in support of his case. But there is one more notification No.No.F.30-3(28) Co-ord./Edn./Vol.II/2006/ dated 24.9.2013 issued by the respondents, which has not been referred to either by the applicant or by the respondents in their pleadings. The said notification has been referred to by this Bench while deciding O.A.No.3915 of 2013 (Smt. Bimla Yadav v. GNCT of Delhi and another) on 17.9.2015. As the said notification dated 24.9.2013 has bearing on the issue involved in the present case, we would like to refer to and quote the same as follows:

øNo.F.30-3(28) Co-ord./Edn./Vol.II/2006/ Dated: 24.9.2013

NOTIFICATION

In pursuance of Cabinet Decision No. 2068 dated 02.09.2013 stating that øThe Cabinet considered the note of Pr. Secretary (Education) and approved the proposal contained in paras VIII(a) to (f) of the Cabinet Note. The cabinet decided that the approval of Government of India be obtained subsequently. The re-employment will not be automatic, but subject to vigilance clearance, fitness, performance, work & conduct and on a year to year basis based on annual contract and linked with vacanciesö, conveyed vide letter No.F.3/2/2011 GAD/CN/Pt. File-1/dsgad-III/4116-4127 dated 04.09.2013, the Honøble Lt. Governor of Govt. of NCT of Delhi is pleased to allow re-employment of teachers of all categories in Govt. and Govt. aided schools under the Directorate of Education, and shall further be governed as under as per decision of the Cabinet. As per directions of the Honøble L.G. Delhi, the post-facto approval from the Govt. of India remains necessary.

- (a) Teachers of all categories in Govt. and Govt. Aided schools under the Director of Education will be eligible for re-employment upto a maximum age of 65 years.
- (b) However, re-employment of teachers after the age of 62 years will be of one year at a time up to a maximum age of 65 years.
- (c) Re-employment of teachers will not be automatic and will be subject to their being found to be suitable in all respects. Suitability will be determined on the basis of their performance reports/annual confidential report, work and conduct certificate and integrity certificate and on their being declared medically fit.
- (d) Re-employment, either on the first occasion or on subsequent occasions will not be an automatic right conferred upon teachers.
- (e) Re-employment of the teachers will be linked to the vacancy position and teachers may be re-employed only against vacant posts. Further, if the department is able to fill up the vacant posts of teachers on a regular basis, the tenure of a re-employed teacher would be curtailed on the principle of øfirst in the first outö.
- (f) The re-employed teachers will have to sign an annual contract with the Department wherein the terms and conditions of their employment will be

clearly stipulated. The terms and conditions of re-employment are being issued separately.

By order and in the name of The Lt.
Governor of the National Capital
Territory of Delhi.
(SHASHI KAUSHAL)
SPL. DIRECTOR OF EDN. (S.B)ö

6. A reading of the above notification and orders makes it clear that as per the notification dated 29.1.2007 issued by the respondents, all the retiring teachers up to PGT level are eligible for automatic re-employment, subject to fitness and vigilance clearance, till they attain the age of 62 years. Subsequently, the respondents issued order dated 27.1.2012 stipulating that Vice-Principals/Principals are also eligible for re-employment for a period of one year and extendable for another one year based on the performance and subject to fitness and vigilance clearance till they attain the age of 62 years, whichever is earlier. In addition, the respondents issued notification dated 24.9.2013 stipulating, *inter alia*, that re-employment of teachers of all categories in Government schools under the Directorate of Education would not be automatic and would be subject to their being found suitable in all respects. Their suitability would be determined on the basis of their performance reports/annual confidential report, work and conduct certificate and integrity certificate and on their being declared medically fit. Their re-employment, either on first occasion or on subsequent occasions, would not be an automatic right conferred upon them and would be linked to the vacancy position, and teachers might be re-employed only against vacant posts. It was also stipulated that if the Department is able to fill up the

vacant posts of teachers on a regular basis, the tenure of a re-employed teacher would be curtailed on the principle of 'first in first out'. Therefore, we find no substance in the contention of the applicant that he has a right to automatic re-employment in service with effect from 1.2.2015.

7. It is the admitted position between the parties that there was decline in the annual results of Class XII of GBSSS, A.H.Block, Shalimar Bagh, during the year 2012-13, and GBSSS, Dhakka, during the year 2013-14, when the applicant was Principal of the said schools. Though the applicant has claimed to have explained and pleaded before the respondents that the reasons for the said decline in the results were not attributable to him, the respondent-departmental authorities did not find the explanation of the applicant as satisfactory. The Director of Education, while considering the suitability of the applicant for re-employment, has examined the materials available on records and has rejected the plea of the applicant that he was in no way responsible for the decline in the results of Class XII of the said schools. The departmental authorities have found the applicant as lacking in his professional ability while working as Principal of the said schools. Thus, they did not accede to the claim of the applicant for re-employment. It is trite law that Courts/Tribunals are not invested with the power, authority and jurisdiction to sit in appeal over the decisions taken by the departmental authorities. Courts/Tribunals, in exercise of power of judicial review, can only examine whether the decision taken by the departmental authorities is vitiated on account of any legal flaw in the

decision making process thus warranting their interference. Courts/Tribunals can interfere with the decision of the departmental authorities, if it is found that the authorities have failed to take all relevant factors into consideration, or have taken irrelevant factors into consideration while making the decision; and that the conclusion arrived at by the authorities is perverse, or irrational, or in contravention of a statute. After going through the note sheets signed by the Deputy Director of Education and the Director of Education, we have found that while assessing the suitability of the applicant, they have considered all relevant facts and figures about the decline in the annual results of Class XII of GBSSSs at Shalimar Bagh, and at Dhakka, and other required aspects, and have thereafter arrived at a conclusion that the applicant was not suitable for re-employment. Therefore, in the present case, there is no scope for interference with the decision taken by the departmental authorities rejecting the claim of the applicant for re-employment.

8. The other contention of the applicant is that three other Principals, in whose cases the decline in the annual results was more than that of the applicant, were granted re-employment by the respondents, whereas he was denied re-employment. According to the applicant, denial of re-employment to him is discriminatory. In the present case, the departmental authorities, after having considered the applicant's case for re-employment in accordance with relevant notifications and orders, have rejected the applicant's claim for re-employment, on the finding that his

professional ability as Principal was not up to mark. Therefore, the applicant cannot be said to have any right for re-employment in terms of the notifications and orders issued by the respondents. If at all some similarly placed persons have wrongly been given re-employment by the respondents, neither the applicant can claim re-employment, nor can the Tribunal issue a direction to the respondents to grant re-employment to him, on the ground that three other similarly circumstanced persons have been given re-employment. The doctrine of discrimination is founded on existence of an enforceable right. Article 14 of the Constitution of India would apply only when invidious discrimination is meted out to equals and similarly circumstanced without any rational basis or relationship in that behalf. Article 14 of the Constitution of India is not meant to perpetuate illegality, and does not envisage negative equality. Thus, even if some other similarly situated persons have been granted some benefit inadvertently or by mistake, such order does not confer any legal right on the applicant to get the same relief. One may be wrong, but the wrong order cannot be the foundation for claiming equality for enforcement of the same order. Therefore, there is no substance in the aforesaid contention of the applicant.

9. There is one more aspect of the matter. In support of their decision rejecting the applicant's claim for re-employment, the respondents have stated that while the applicant was posted as Principal, GBSSS, Dhakka, a student, named, Master Rohit of Class VI, was left unattended in the school throughout the night of 23.7.2014. After enquiry, the Committee

arrived at the conclusion that the applicant as Principal of the said school did not act in a vigilant manner and failed to carry out his duties and responsibilities as Head of School, and that he did not take any action after the incident took place. The respondents have also disclosed in their counter that in connection with the said incident, a complaint was filed and registered as NHRC No.5701/40/4/2014 before the National Human Rights Commission, New Delhi. On being called upon, the applicant filed a reply on 16.8.2014 in connection with the incident. Though the explanation given by the applicant was not found satisfactory, yet considering his submission that he was going to retire in January 2015, and his assurances that he would remain more careful in future and that such incident would not occur in future, no disciplinary action was initiated by the respondents against him, but his case for re-employment was rejected. In this regard, the applicant took us through the notes of the concerned Deputy Director of Education and the Director of Education, and submitted that the said authorities did not take into account the aforesaid incident, while rejecting his claim for re-employment, and that in the present proceedings before the Tribunal, they cannot be allowed to justify their decision by bringing the said incident to the notice of the Tribunal. On a perusal of the relevant notes of the Deputy Director of Education and the Director of Education, we find that the said authorities have not taken the aforesaid incident into account while rejecting the applicant's claim for re-employment. Though the respondents have not proffered any explanation as to why the aforesaid incident was not taken into

account while considering and rejecting the applicant's claim for re-employment, yet, in view of the admitted facts that the incident had taken place, and that the respondents, showing leniency towards the applicant, did not take any disciplinary action against him in the matter, we find no substance in the aforesaid contention of the applicant.

10. After having given our anxious consideration to the facts and circumstances of the case, and the rival contentions of the parties, we have found no infirmity in the decision taken by the respondents rejecting the applicant's claim for re-employment. As a consequence, the O.A., being devoid of merit, is liable to be dismissed.

11. Resultantly, the O.A. is dismissed. No costs.

(RAJ VIR SHARMA)
JUDICIAL MEMBER

(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER

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