

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

O.A. No.2899/2017

Friday, this the 25th day of August 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Yogendra Singh Rana
s/o late Shri Sukhbir Rana
r/o C-10/185, Yamuna Vihar
Delhi – 110 053, Age 61, Group B
Designation: Vice Principal

..Applicant

(By Advocate: Shri Vijay Kajana for Shri Sudhir Nagar,
Advocate)

Versus

1. Govt. of NCT of Delhi through
Director of Education
Directorate of Education
Old Secretariat, Delhi – 110 054
2. Director of Education
Directorate of Education
Govt. of NCT of Delhi
Old Secretariat, Delhi – 110 054
3. Deputy Director of Education
(North West-A)
Directorate of Education
BL Block, Shalimar Bagh
New Delhi

..Respondents

O R D E R (ORAL)

Justice Permod Kohli:

This Application has been filed challenging the order dated 04.07.2017 whereby the request of the applicant for

extension of re-employment period for another year has been declined.

2. The applicant retired as a Vice Principal from the Government Boys Senior Secondary School, Dhakka in Delhi on attaining the age of 60 years. Under the Re-employment Scheme of the Government of Delhi, the applicant applied for re-employment and was appointed as Vice Principal for a period of one year vide order dated 25.02.2016 w.e.f. 01.03.2016 with a stipulation "extendable for another one year". The applicant completed the period of one year on 28.02.2017. Prior to expiry of period of one year the applicant made an application dated 31.01.2017 seeking extension of re-employment for another year as permissible under the Scheme. The request of the applicant has, however, been rejected vide order dated 28.02.2017. The aforesaid order was challenged by the applicant before this Tribunal in OA No.1791/2017. This OA was disposed of on 22.05.2017 with the following directions:-

"Accordingly, we dispose of this O.A. at the admission stage itself without issuing notice to the respondents and without going into the merits of the case with a direction to them to decide the aforesaid representation of the applicant by means of a reasoned and speaking order within a period of two weeks from the date of receipt of certified copy of this order."

3. Consequent upon the aforesaid directions, the respondents decided the representation of the applicant vide the impugned order dated 04.07.2017 and rejected the same by recording the reasons which interalia include:

“(i) decline in the result by 8.5%

(ii) the applicant has demonstrated incapacity in administrative acumen and;

(ii) in the representation he has mentioned that there is shortage of 16 teachers out of 38, which fact was also found incorrect and there were only 6 vacancies.

From perusal of the above order, we find that the respondents have found that the applicant is not entitled to re-employment on account of his incapacity to run the school.

4. Learned counsel for the applicant submits that these grounds are absolutely false and the impugned order has been passed with mala fide intentions.

5. It is settled law that the Tribunal while exercising the power of judicial review does not act as an Appellate Authority to sit over the judgment of the competent authority. The Tribunal can only examine the decision making process and not the decision itself. No infirmity in

the decision making process has been pointed out. Nor there has been violation of principles of natural justice or any statutory rules. Thus, interference in exercise of power of judicial review in the present case is not warranted. So far as the submission of the applicant that the decision is taken with mala fide intentions, at the first place, we find that no specific allegation against any person has been made. In any case, no person against whom the *mala fides* are alleged is a party before us. We do not find any merit in this case. OA is dismissed.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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