

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

OA No. 4369/2018

This the 30th day of November, 2018

**Hon'ble Mr. K.N. Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Ms. Sunaina, aged 31 years, Group `C')
D/o Sh. Ved Parkash
Guest Teacher in Directorate of Education
Govt. of NCT of Delhi
r/o Vill. & PO Lodpur
Tehs. & Distt. Jhajjar (Har)

....Applicant

(By Advocate : Ms. Sonika for Mr. Yogesh Sharma)

Versus

1. Govt. of NCT of Delhi
Through the Chief Secretary
New Secretariat, New Delhi.
2. The Director of Education
Govt. of NCT of Delhi
Old Secretariat, Delhi.
3. Principal/Head of School
Sarvodaya Kanya Vidyalaya
Kair, New Delhi -43.

(By Advocate : Mr. G.D. Chawla for Ms. Harvinder Oberoi)

...Respondents

ORDER (ORAL)

Mr. K.N. Shrivastava :

The applicant was engaged as a Guest Teacher – PGT (Hindi) and posted at Sarvodaya Kanya Vidyalaya, New Delhi by respondent No. 2 on 28.07.2014. The initial engagement of Guest Teachers is for a period of one year, which is renewed year after year. Accordingly, the applicant was re-engaged for the

academic year 2016-17. She was to join duty on 22.07.2016 but unfortunately, she fell from her scooter and met with a serious accident. She, however, recovered from the accident and went to join duty on 15.11.2016. In the meanwhile, the respondents engaged another Guest Teacher in her place. In view of this development, the respondents were not in a position to allow her to join.

2. The applicant submitted a representation dated 07.12.2016 to respondent No. 2. As no action was being taken on her representation by respondent No. 2, she approached the Tribunal in OA No. 129/2018 which was disposed of vide order dated 11.01.2018 with a direction to the respondent No. 2 to decide her representation by passing a reasoned and speaking order. In compliance of the Tribunal's direction, respondent no. 2 has passed impugned Annexure A-1 order dated 02.07.2018 declining her request for allowing her to join, for the reasons stated therein.

3. The applicant has approached the Tribunal in the instant OA seeking quashment of the impugned Annexure A-1 order and a direction to respondent No. 2 for her re-engagement.

4. Heard Ms. Sonika, appearing as proxy for Mr. Yogesh Sharma, learned counsel for applicant.

5. Issue notice to the respondents. Mr. G.D. Chawla, appearing as proxy for Ms. Harvinder Oberoi, learned counsel for respondents accepts notice on behalf of respondents.

6. It is quite evident from the records that the sole reason for disengagement of the applicant was that she was not available to perform her duties as Guest Teacher on account of the accident that she had met with. It is quite understandable that in the interest of the students, respondents were obliged to make alternate arrangements, which they did. The performance of the applicant as a Guest Teacher has never been adversely commented upon by the respondents. Under these circumstances, we would expect that the respondents give proper consideration for re-engaging her as a Guest Teacher PGT (Hindi), in case any vacancy arises either during the current academic year or in the coming academic year.

7. With this observation, this OA is disposed of. No costs.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

/anjali/