

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI
OA 3606/2018**

This the 29th day of May, 2019

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Mohd. Jamshed, Member (A)**

Sukhvir Singh (Group B)
Vice Principal
Aged 61 years
S/o Late Shri Phool Singh
D-253, East Gokulpur
Delhi-110094

..Applicant

(By advocate: Sh. R.K. Bachchan)

Versus

The Director
The Directorate of Education
Govt. of NCT of Delhi
Old Secretariat
Delhi.Respondent

(By advocate: Sh. D.K. Singh for Ms. Purnima Maheshwari)

ORDER (ORAL)

By Hon'ble Mr. R.N. Singh, Member (J),

The applicant, who retired as Vice-Principal on 31.07.2017, has approached this Tribunal by way of the present O.A. seeking the following relief(s):-

“i) quash and set aside the order No. DE-51/DDE/C/ND/Admn/2017/1792 dated 28.8.2017 and order No. DE-51/DDE/C/ND/ADMN/2018/2124 dated 4.5.2018 passed by the respondent.

ii) Pass any other orders or directions as may be deemed fit in the interest of justice.

2. The undisputed fact in the O.A. is that the applicant retired from service of the respondents as Vice Principal on 31.07.2017 and in pursuance to the notification dated 29.01.2017 (Annexure A-3), the applicant applied for re-employment which was declined by the respondents vide their order dated 28.08.2017 (Annexure A-1). Thereafter, the applicant made representation dated 08.12.2017, but the same too was rejected by the respondents vide their order dated 04.05.2018 (Annexure A-2).

3. Learned counsel for the applicant submits that the request of the applicant for re-employment has been rejected only on the ground of decline of the result of the school in which the applicant was posted. Keeping in view of the fact that the notification dated 29.01.2007 requires only two conditions for reemployment of all retiring teachers up to PGT level i.e. 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, his case is required to be considered for reemployment.

4. In pursuance to the notice issued by this Tribunal, the respondents have filed reply and on the basis of the same, learned counsel for the respondents argued that fitness of an employee seeking re-employment has to be assessed by the competent authority as per the prevalent norms and guidelines and for such re-employment, the same has been applied uniformly by the respondents in respect of all the candidates requesting for such re-employment. He further argued that such decision of the respondents have also been further notified vide order dated 03.03.2008 (Annexure A-3). He draws our attention to relevant portion of the said order dated 03.03.2018 which reads as under:-

“The profession fitness is also required to be assessed by considering work and conduct report, vigilance clearance and medical certificate submitted by the pensioner. The DDE concerned will ensure that the Principal and Vice Principal, who are free from vigilance angle, only are recommended for appointment on contract appointment basis and individual Principal and Vice Principal should not be made to run around to get the vigilance clearance.”

5. He further argued that the result of the School where the applicant was administering has declined by 53.01% in class 10th from the previous year and to substantiate their claim, the respondents have annexed the CBSE Board

result for the period 2012-13 to 2016-17 (Annexure R-2) which indicates that in the year 2012-13 result percentage was 68.24%, whereas in 2013-14 the same was 63.07%, and in 2014-15, the result was 37.34%, in 2015-16 the result was 42.6% and in the year 2016-17, the same was 41.5%.

6. Learned counsel for the respondents further adds that all the material facts have been placed before Competent Authority for consideration of the re-employment of the applicant. However, taking into consideration all the relevant facts including the year wise percentage, the Competent Authority has not found the applicant fit for re-employment.

7. We have perused the relevant pleadings in the matter and also considered the arguments submitted by learned counsels for the parties.

8. We are of the view that once the respondents have formulated the guidelines for such re-employment and the same has been uniformly applied including in the case of the applicant and his case was not found fit by the Competent Authority for such re-employment, there is no reason or justification for this Tribunal to interfere in the matter. Accordingly the same is dismissed, being devoid of

merit. Pending MA(s), if any, shall also stand disposed of.

No costs.

(Mohd. Jamshed)
Member (A)

(R.N. Singh)
Member (J)

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