

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.2750 of 2016

This the 5th Day of February, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Shri Sabhapati Tripathi,
S/o Sh. Prayag Dutt Tripathi,
B-366, Metro Road,
New Ashok Nagar, Delhi-96.

.....Applicant
(None present)

VERSUS

1. The Director of Education,
Directorate of Education,
Civil Lines, GNCT, Delhi-53.
2. Shri Tarun Giri,
O.S. in the office of DDE (East)
Zone II, D-Block,
Anand Vihar, Delhi-92.
3. DDE (East),
Zone II, D-Block,
Anand Vihar, Delhi-92.

.....Respondents
(By Advocate : Shri Vijay Pandita)

O R D E R (Oral)

Ms. Nita Chowdhury, Member (A):

On previous date of hearing, i.e., 30.1.2019, this Court passed the following orders:-

“Nobody appears for the applicant

Learned counsel for respondents informs that this OA has become infructuous as the applicant of this OA, who is seeking re-employment, has crossed the maximum age for which re-employment can be given.

This applicant is given last opportunity to address the issue.

List on 05.02.2019 under the caption "**part-heard**".

2. Today when this matter came up for hearing, there is no appearance on behalf of the applicant. In view of the above, this Court proceed to adjudicate this case by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1985 and accordingly, heard learned counsel for the respondents.

3. Counsel for the respondents submitted that the case of the applicant for re-employment has been considered by the respondents and by speaking order the same has been rejected and there is no illegality in the said order.

4. We observes that it is trite law that retired employee cannot claim as a right to be re-employed and such employee is only has a right to be considered for such employment. In this case, it is admitted position, the case of the applicant was considered by the competent authority and the same was rejected by reasoned and speaking order, which is impugned by the applicant in this case. At this stage, it is relevant to mention the relevant portion of the Hon'ble Delhi High Court's judgment in the case of **Narender Pal Singh vs. Directorate of Education and others** in Writ Petition (Civil)

No.6759/2013 date 21.11.2014 in which the similar issue was raised, which reads as under:-

“15. In any view, this Court cannot examine the merits of the reasons of the Management Committee to decline a request for re-employment in proceedings under Article 226 of the Constitution of India. In view of the fact that petitioner had been found guilty by Vigilance Officer in 1988 and that there were allegations made against the petitioner in SuitS-1661/06/94, the decision of the Management Committee cannot be faulted. The petitioner’s contention that he had been subsequently promoted to the post of a Vice-Principal in 2011, after Vigilance clearance and, therefore, the earlier Vigilance Inquiry ought to have been ignored cannot be accepted. The point in issue is not whether the petitioner was cleared by vigilance but whether the Management Committee could take into account the fact that allegations were made against the petitioner during his service career for considering whether to request for his re-employment. Undoubtedly, serious allegations were made against the petitioner by teachers and the said fact is not an irrelevant consideration extraneous to decision to not re-employ the petitioner. Even assuming that the decision of the Management Committee is erroneous, the same cannot be stated to be perverse or completely alien to the issue at hand. In this view, no interference with the impugned order is warranted in these proceedings.

16. Accordingly, the writ petition is dismissed. The application also stands disposed of. Parties are left to bear their own costs.”

5. In view of the above facts and circumstances of this case, this Court is not inclined to interfere with the impugned order passed by the respondents in this case and accordingly, the present OA is dismissed. There shall be no order as to costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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