

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

O.A. No.1091/2019

Friday, this the 5<sup>th</sup> day of April 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Mohd. Jamshed, Member (A)**

Jai Prakash Singh Tomer  
(Retd. Principal) (aged about 62 years)  
s/o Sh. Niranjana Singh  
r/o B-170 MIG Flat  
East of Loni Road, Delhi – 110 093

...Applicant

(Mr. Manish Kumar, Advocate)

Versus

1. Govt. of NCT of Delhi  
Through Chief Secretary  
New Secretariat Building  
New Delhi
2. Director of Education  
(Govt. of NCT of Delhi)  
Old Secretariat, Delhi
3. Regional Director of Education (Central)  
Directorate of Education  
Lucknow Road, Delhi – 110 054
4. Deputy Director of Education  
District North  
Directorate of Education  
Lucknow Road, Delhi – 110 054

...Respondents

## **O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The applicant retired from service of Delhi Government as Principal. Thereafter, he was reemployed as Principal for a term. In the context of extension of another term, the appointing authority passed order dated 16.01.2019. It was mentioned that on

the basis of inquiry report submitted by a Committee, the competent authority has taken the view that the integrity of the applicant is doubtful and the extension of the reemployment would be detrimental to the image of the institution. Accordingly, the authority did not find the applicant fit for extension of reemployment. The same is challenged in the instant O.A.

2. The applicant contends that he was reemployed after ascertaining the integrity and there was absolutely no basis for refusing to extend the term. It is also stated that the so-called inquiry was conducted without any notice to him and the impugned order has attached a stigma to him. Another contention is that none of the documents, relied upon by the respondents, were made available to him. Reliance is also placed upon an order dated 24.05.2016 by this Tribunal in O.A. No.595/2016.

3. We heard learned counsel for applicant at length and perused the records.

4. Once the applicant has retired from service, he has no right to be reemployed. It is only on satisfaction of the respondents, and the requirement in the Department that the feasibility of reemploying a retired person would be considered. The applicant, no doubt, was reemployed. The extension thereof is once again, in the discretion of the Department.

5. To be objective in the context of extension of term, the respondents verified various events that have taken place after reemployment of the applicant. It was observed that the material available would indicate that the integrity of the applicant is doubtful. This appears to have been stated to ensure that the refusal to extend the term is not treated as without basis or without any reason.

6. In O.A. No.595/2016, the term of reemployed Principal was not extended. Inquiry was also conducted into the allegations against her. The respondents therein relied upon the judgment of Hon'ble Supreme Court in **Rajendra Singh Verma v. Lt. Governor of NCT of Delhi** (2011) 10 SCC 1 and the judgment dated 11.03.2016 of this Tribunal in O.A. No.4153/2014. In both the cases, it was categorically held that a retired employee does not have a right to be reemployed and the question of claiming extension as of right does not arise. However, those two judgments were ignored by stating that the facts are different. We do not find any general principle from the order dated 24.05.2016. On the other hand, the law laid down in **Rajendra Singh Verma's** case and in O.A. No.4153/2014 is directly on the point.

7. We do not find any merit in this O.A. It is accordingly dismissed. We, however, direct that non-extension of the term of

reemployment of the applicant shall not be treated as any stigma upon him.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**April 5, 2019**  
/sunil/