

(2017) 12 DEL CK 0339

In the Delhi High Court

Case No : Civil Writ Petition No. 11052 Of 2017, Civil Miscellaneous No. 45215, 45216 Of 2017

Ankur

APPELLANT

Vs

Directorate Of Education And Ors

RESPONDENT

Date of Decision : 13-12-2017

Acts Referred:

Citation : (2017) 12 DEL CK 0339

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Kamal Kapoor, Virendra Rawat, Naushad Ahmed Khan, Deepshikha Goyal

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

1. Petitioner, a Peon with third respondent-School since March, 2008, is aggrieved by Communication of 14th November, 2017 (Annexure-T) of

second respondent vide which petitioner's appointment as Peon made about nine years ago, has been declared to be illegal as he was appointed

without calling for applications and so, impugned Communication stops the Grant-in-Aid for petitioner's salary with liberty to third respondent-

School to pay petitioner's salary from its own funds.

2. To assail impugned Communication of 14th November, 2017 (Annexure-T), learned counsel for petitioner submits that the

vacancy of Peon was filled up by third respondent-School only after second respondent had constituted the Departmental Promotion Committee

(DPC) for filling up the vacancy of Peon and petitioner's appointment as well as his pay fixation was duly approved by second respondent on 15th

October, 2008, which is so evident from Annexure-L. So, it is submitted that there was deemed approval to petitioner's appointment as Peon and now, after nine years, it cannot be arbitrarily declared to be illegal.

3. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with permission to petitioner to make a concise representation to second respondent within a week from today, and with a direction that upon receipt of such a Representation from petitioner, second respondent shall pass a speaking order thereon within four weeks in case it chooses not to withdraw impugned Communication of 14th November, 2017 (Annexure-T). Second respondent shall consider the response of third respondent-School given to Show-cause Notice on 21st April, 2016 and if need be, inputs can be obtained from third respondent-School. The fate of Representation be made known to petitioner within a week thereafter, so that petitioner may avail of the remedies as available in law, if need be. In the peculiar facts and circumstances of this case, let status quo as of today in respect of petitioner's service with third respondent-School be maintained.

4. With aforesaid directions, this petition and the applications are disposed of. Dasti.