

(2011) 11 DEL CK 0001
In the Delhi High Court
Case No : Writ Petition (C) 7873 of 2011

Dev Datt

APPELLANT

Vs

The Chief Secretary Govt. of NCT and Others

RESPONDENT

Date of Decision : 08-11-2011

Acts Referred:

Citation : (2011) 11 DEL CK 0001

Hon'ble Judges : Siddharth Mridul, J

Bench : Single Bench

Advocate : Kartar Singh, for the Appellant; Purnima Maheshwari, Advocate for R-1 and R-2, for the Respondent

Judgement

Siddharth Mridul, J.—RULE.

2. With the consent of counsel appearing on behalf of the parties, the matter is finally heard.

3. The Petitioner was appointed as TGT (General) on the 5th November, 1980. The Petitioner was thereafter promoted as PGT (English) on 17th July, 1996 and further promoted as Vice-Principal on 4th March, 2011. The Petitioner was retired on 30th April, 2011 on superannuation from Government Boys Senior Secondary School No.2, Najafgarh, New Delhi.

4. The present petition has been filed seeking a direction to the Respondents to provide automatic re-employment to the Petitioner for a period of two years upto the age of 62 years under the Notification dated 29th January, 2007. The said notification reads as follows:-

In pursuance to Cabinet Decision No.1113 dated 4.9.2006 conveyed vide letter No.F.3/3/2004-GAD/CN/20491-502 dated 8.9.2006 the Lieutenant Governor, Government of National Capital Territory of Delhi is pleased to allow automatic re-employment of all retiring teachers upto PGT level, subject to 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. The terms and conditions of re-employment are being notified separately.

5. Counsel for the Petitioner states that the present controversy has been settled by the judgments in the following decisions:-

(i) Municipal Corporation of Delhi Vs. Sheila Puri, .

(ii) Sushma Nayar vs Managing Committee, Delhi Public School, Mathura Road & Ors. 2009 VII AD (Del) 246.

(iii) Dr. Shiva Dutta Juneja vs Director of Education and Anr., decided on 27th May, 2011.

(iv) Dharam Singh vs Chief Secretary, NCT of Delhi, decided by a Division Bench of this Court on 8th July, 2011.

6. In the said decisions it was held that Vice-Principals who had been PGT earlier would be entitled to the benefit of the Notification. It was also held that merely by reason of promotion from the post of Vice-Principal, it does not mean that the teacher ceases to be a teacher denying thereby the benefit of extended service.

7. In the circumstances, a Writ of Mandamus is issued to the Respondents, directing that the Petitioner shall be entitled to the benefit of the Notification dated 29th January, 2007 of automatic re-employment for a period of two years subject to the terms and conditions as set out in the Notification.

8. With the above directions, the Writ Petition is disposed of.

9. Dasti.