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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10986/2009

SH. RAJESH KHULLAR

..... Petitioner

Through: Mr. Raj Kumar Sharma, Advocate
with Mr. Tarunesh Kumar, Advocate
and Mr. Narendra Singh, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Varun Nischal, Advocate for
respondent Nos.1 and 2.
Mr. Praniod Dayal, Advocate for
respondent Nos.3 and 4.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **07.02.2017**

1. This writ petition, after arguments, is disposed of with the consent order that the entire disciplinary proceedings against the petitioner are set aside including the order of removal of petitioner from his services dated 7.10.2006 and the consequent order of the Delhi School Tribunal (DST) dated 24.9.2008, however, since admittedly petitioner was declared

W.P.(C) No.10986/2009

page 1 of 3

surplus as the respondent no.4/school was closed on 30.4.2004 because of failing to get the approval of affiliation, and hence effectively petitioner is retrenched or his services come to an end on 30.4.2004, and accordingly, it is ordered that petitioner will be taken as an employee of the respondent no.4/school till 30.4.2004 and on 30.4.2004 petitioner's services will have come to an end on his being declared as surplus. However, the entire enquiry proceedings which have been initiated against the petitioner would stand set aside because petitioner does not seek his continuation in the respondent no.4/school after 30.4.2004 noting that petitioner by the transfer order was transferred to a school outside Delhi and which would be fresh employment after petitioner being declared surplus and the school being closed after 30.4.2004. In case, petitioner has any fresh cause of action or any further reliefs in accordance with law, obviously the petitioner can seek to enforce any such cause of action and reliefs in accordance with law.

2. In view of the above, this writ petition is disposed of with the consent order that petitioner's services will be taken up till 30.4.2004 and petitioner will get all consequential service benefits taking him to be an employee of the respondent no.4/school till 30.4.2004.

3. Writ petition is disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

FEBRUARY 07, 2017

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W.P.(C) No.10986/2009

page 3 of 3