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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 567/2017, C.M. APPL.30852-30855/2017

JEETENDRA KUMAR SINGH Appellant
Through : Sh. Sunil Kumar Singh, Advocate.

versus

DEV SAMAJ MODERN SCHOOL NO. 2 & ANR..... Respondents
Through : Ms. Ishaan Madaan, Advocate, for
Respondent No.1.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE R.K. GAUBA

ORDER

% **28.08.2017**

Issue notice. Ms. Ishaan Madaan, Advocate accepts notice.

The appellant had successfully questioned the order of his termination before the Delhi School Tribunal (DST) [hereafter “the Tribunal”]. The respondent/school which had employed him approached this Court under writ proceedings contending that the observations with respect to the nature of the appellant’s employment made by the Tribunal were vague.

Agreeing with that observation, learned Single Judge clarified that the appellant was never appointed to the position of TGT.

We have heard learned counsel for the parties and are of the opinion that any final observation with respect to the appellant’s status need not have been made, given the circumstance that what he was aggrieved by when he went to the Tribunal was the order of termination.

In the given circumstances, the liberty given to the school to initiate disciplinary proceedings would oblige it to pay subsistence allowance. In these circumstances, the impugned order is modified to the extent that the observations with respect to the petitioner's nature of employment (i.e. TGT/PRT) shall not be read as conclusive. At the same time, the appellant/respondent school shall ensure that the appellant is paid Subsistence Allowance subject to his making the necessary statements in terms of Rule 116 of the *Delhi School Education Rules, 1973* in tune with the last salary drawn having regard to the appropriate stages of the pay scale, from the date of suspension.

The appeal is accordingly disposed of along with the pending applications.

S. RAVINDRA BHAT, J

R.K. GAUBA, J

AUGUST 28, 2017/AJK