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

+ **W.P.(C) 8962/2018**

**SHRI KULDIP SINGH** ..... Petitioner

Through: Mr. Sharvan Dev, Advocate.

versus

**THE DIRECTOR OF EDUCATION, GOVT. OF NCT OF DELHI  
AND ORS.** ..... Respondents

Through: Ms. Avnish Ahlawat, Standing  
Counsel GNCTD Services with  
Ms. Palak Rohmetra, Advocate for R-  
1 & R-2.  
Ms. Praghya Routray, Advocate with  
Ms. Rama Moorthy, Principal for R-3  
& R-4.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

% **25.10.2018**

1. Vide the present petition, petitioner seeks direction thereby quashing the order dated 29.05.2018 passed by the Chairman of the School, respondents No. 3 and 4 and directions to the respondents No. 1 to 4 to grant joining immediately without delay to the petitioner as PET in the School of Respondents No. 3 and 4 and to release salary w.e.f. 01.09.2017 and to continue the same till 10.08.2019 till attaining the age of 62 years of the petitioner.
2. The respondent No. 4 has filed an affidavit, whereby it is stated that the management of the school is unable to pay 5% of its share applicable with regard to salary of re-employed employees and vide letter dated 30.05.2017 conveyed its decision to this affect to the

Director of Education.

3. Learned counsel for respondent No. 4 submits that the petitioner retired from the employment of the school on 31.08.2017 at the age of 60 years. Thereafter, he made representation dated 20.01.2018 seeking re-employment which was received by the said respondent on 21.02.2018.
4. Since the respondent has clearly stated that they are not able even to pay 5% towards reimbursement of the medical expenses, tuition fee, LTC and other benefits, therefore they cannot give re-employment to the petitioner.
5. Counsel for the respondent No. 1 and 2 submits that in view of the affidavit filed by the management of the school, they shall take decision on taking over administration of the management of the school and thereafter, they shall take decision of the re-employment of the petitioner.
6. As noted above, it is stated in the counter affidavit that they are not able even to pay 5% of the salary and other benefits, therefore, they cannot give employment to the petitioner. Whereas in impugned order dated 29.05.2018, it is specifically stated that the re-employment scheme has already been withdrawn on 03.10.2017 by the DDE(N) vide letter no. DDE North/Admin/2017/ 2674-2677.
7. Thus, main stand of the respondent Nos. 3 and 4 is that they are not able to pay 5% towards payment of salary therefore they are not able to give re-employment to the petitioner.
8. Accordingly, I hereby, while setting aside the order dated 29.05.2018, direct respondent Nos. 1 and 2 to take administration of the School of

respondent Nos. 3 and 4 as per the law and thereafter take decision on the re-employment of the petitioner afresh within four weeks from taking over the administration of the management of the school.

9. In view of the above, the petition is disposed of.

**SURESH KUMAR KAIT, J**

**OCTOBER 25, 2018/rd**