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

+ **W.P.(C) 3215/2019**

DINESH KHULLAR

..... Petitioner

Through Mr.Randhir Kumar, Adv. with
Mr.Manas Tripathi, Adv.

versus

THE DIRECTOR, DIRECTORATE OF EDUCATION & ORS

..... Respondents

Through Ms.Avnish Ahlawat, Standing
counsel with Mr.N.K. Singh,
Ms.Ankita Ahuja Singh, Advs. for R-
1.
Mr.Puneet Mittal, Sr. Adv. with
Ms.Vasudha Bajaj & Mr.Rupendra
Pratap Singh, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **02.04.2019**

CM APPL. 14750/2019 (Exemption)

Allowed, subject to all just exceptions.

This application is, accordingly, disposed of.

W.P.(C) No. 3215/2019 & C.M.APPLN. 14749/2019

Vide the present petition, the petitioner seeks direction thereby setting aside the impugned order dated 14.12.2018 passed by the Delhi School Tribunal in Execution Petition No.26/2018 in Appeal No.82/2017. He further seeks direction thereby to quash the office orders dated 24.05.2018

and 30.05.2018 whereby the additional charges have been given to the petitioner. He also seeks direction thereby directing the respondent nos.2 & 3 to reinstate the petitioner on the post of Hostel Superintendent in letter and spirit along with all his rights, duties, entitlements and consequential benefits.

The present petition was listed on 01.04.2019 and renotified for today i.e. on 02.04.2019 at the request of the counsel for respondent no.2.

It is not in dispute that the service of the petitioner was terminated vide communication dated 31.05.2017 which was challenged by the petitioner in Appeal No.82/2017 before Delhi School Tribunal and the said appeal was allowed by directing the respondents to reinstate the petitioner in service.

It is also not in dispute that the appointment of the petitioner was as a Hostel Superintendent in the respondent school and thereafter pursuant to order dated 27.02.2018 passed by the tribunal, the petitioner was reinstated vide office order dated 10.04.2018 on the post of Hostel Superintendent.

However, on 14.03.2019, the respondents school stated that Mr.Bahadur had joined the school as Hostel Superintendent-cum-Administrative Officer on temporary basis on 13.11.2018 and his current tenure is till 31.03.2019.

Since this termination order dated 31.05.2017 has been set aside by Delhi School Tribunal which has attained the finality, therefore, as the post of Hostel Superintendent is concerned, this cannot be continued till 31.03.2019. As the other posts i.e. Administrative Officer of Mr.Bahadur is concerned, he may continue till 31.03.2019 or even thereafter if the school wishes to. But as the post of the petitioner is concerned, i.e. Hostel

Superintendent as stated by Mr.Puneet Mittal, learned senior counsel on instructions that it is the only post on which the petitioner was appointed. Therefore, additional charge, if as per the rule, the school can give to him of any such duty but he will continue as Hostel Superintendent till he renders the services. Therefore, giving extension on this post to Mr.Bahadur is no more in force pursuant to order dated 27.02.2018 passed by the Tribunal.

In view of above, the petition is disposed of.

Needless to state that the benefits to the post attached shall be given to the petitioner.

Order *dasti* to both the parties.

SURESH KUMAR KAIT, J

APRIL 02, 2019

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