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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: November 03, 2023

+ W.P.(C) 14310/2023

MAHESH CHAND GUPTA

..... Petitioner

Through: Mr.Anuj Aggarwal, Advocate

versus

DIRECTORATE OF EDUCATION & ANR. Respondents

Through: Mrs.Avnish Ahlawat, Standing
Counsel, GNCTD (Services) with
Mrs.Tania Ahlawat, Mr.Nitesh Kumar
Singh, Ms.Laavanya Kaushik,
Ms.Aliza Alam and Mr.Mohnish
Sehrawat, Advs.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA****V. KAMESWAR RAO, J. (ORAL)**

1. The challenge in this writ petition is to an order dated April 12, 2023 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal', for short) in O.A. 3777/2016 whereby the Tribunal has while disposing of the OA in paragraphs 12 and 13 stated as under:

"12. We set aside the impugned order dated 02.03.2016 and direct the respondents to reconsider the candidature of the applicants in the present OA and pass a reasoned and speaking order within a period of six weeks from the date of receipt of a certified copy of this order.

13. After the said re-examination, if the respondents favorably accept the prayer of the applicants, they would engage them as



Guest Teachers with prospective effect.”

2. The only grievance of the petitioner as has been urged by Mr. Aggarwal is that the Tribunal should not have confined the re-examination of the petitioner for re-engagement as a Guest Teacher prospectively. He submits that the petitioner's services having been disengaged in the year 2016, the petitioner was within his right to seek back wages till the date of disengagement. He concedes to the fact that the petitioner has challenged the order which has now been passed by the respondents pursuant to the impugned order of the Tribunal dated April 12, 2023. According to him, in view of the observation of the Tribunal in paragraph 13, he shall be barred from seeking back wages from the year 2016 before the Tribunal in the fresh proceedings initiated by the petitioner.

3. We say nothing on the submission made by Mr. Aggarwal except granting liberty to the petitioner to urge before the Tribunal, in the fresh proceedings initiated by him the plea of back wages. It is for the Tribunal to consider the plea of back wages in accordance with law.

4. Petition is disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

NOVEMBER 03, 2023/v