

DELHI SCHOOL TRIBUNAL
PATRACHAR VIDYALAYA COMPLEX
LUCKNOW ROAD, TIMARPUR, DELHI- 110 054

Appeal No. 27/2018

IN THE MATTER OF:

1. MRS. UMESH GUABA
W/O- MR. PREM GAUBA,
R/O C-178, NDMC SOCIETY,
H-BLOCK, VIKASPURI,
DELHI-110018
THROUGH : SH. ANUJ AGGARWAL, ADVOCATE **APPELLANT**

VERSUS

1. MODERN CHILD PUBLIC SR. SEC.
SCHOOL (RECOGNIZED)
THROUGH ITS MANAGER,
PUNJABI BASTI, NANGLOI,
DELHI-110041
THROUGH : MS. SONIKA, ADVOCATE
2. DIRECTORATE OF EDUCATION,
DIRECTOR OF EDUCATION,
GOVT. OF NCT OF DELHI
OLD SECRETARIAT BUILDING,
CIVIL LINES, DELHI-110054
THROUGH : SH. S.C. SOOD, ADVOCATE **RESPONDENTS**

**APPEAL UNDER SECTION 8 (3) OF THE DELHI SCHOOL
EDUCATION ACT, 1973.**

Dated: 20.02.2019

1. This appeal has been filed against the order dated 01.06.2018 of Dr. Vivek Yadav, Manager, of the Respondent School i.e. R-1. The relevant portion of the termination order of the Appellant is as under:



"You have been terminated from your service w.e.f. 01.06.2018, with immediate effect."

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2. It is admitted case of parties that the Appellant was appointed as an Asst. Teacher with R-1 w.e.f. 01.09.1993. Appellant was a confirmed employee and her service was terminated without constituted disciplinary committee/ holding any inquiry and without approval of the Directorate of Education.

3. During the course of hearing, Ld. Counsel for R-1 placed on record an office order dated 05.02.2019, which is as under:

“OFFICE ORDER

The Managing Committee decided the review of the termination order dated 1.6.2018, passed in respect of Mrs. Umesh Gauba, and therefore, Mrs. Umesh Gauba is hereby reinstated in service, without prejudice to take disciplinary action against Mrs. Umesh Gauba as per Delhi School Education Rule, 1973.

The intervening period from the date of termination to the date of reinstatement will be decided as per rule 121 of the Delhi School Education Rules, 1973.

Sd/-
Manager

On behalf of Managing Committee”

4. Arguments heard and the matter was fixed for order. In this case, the termination order of the Appellant withdrew by the Managing Committee of R-1 as per letter dated 05.02.2019. In view of fact that the termination order does not exist. Appellant has been reinstated in service.



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5. Other prayer of the Appellant is that she will be entitled for continuity of service along with all consequential benefits (monetary as well as non-monetary) w.e.f. 01.06.2017 till date of joining of service. As the termination order has been withdrawn by the R-1 itself thus it become void-ab-initio therefore she will deemed to be in service for the said period and will entitled for all the consequential benefits(monetary as well as non-monetary).
6. In the light of aforesaid discussion, keeping in view of the long ordeal and hardship suffered by the Appellant for no fault of her and in the peculiar of facts and circumstances of the present case, R-1 is directed to pay a cost of Rs. 33,000/- to Appellant within four weeks from passing of this order.
7. Appeal is accordingly disposed off. File be consigned to RR.



PLACE: DELHI
DATED: 20.02.2019

edf
(V K MAHESHWARI)
PRESIDING OFFICER 20/2/19
DELHI SCHOOL TRIBUNAL

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