

ITEM NO.32 (M-5)

Proposal:

Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years may be adopted for NDMC Education Department.

1. Name of the Subject /Project:

Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years

2 Name of the department:: Education Department

3 Brief History of the case:

In pursuance of Cabinet Decision No.1113 dated 4.9.2006 conveyed vide letter No.F.3/3/2004-GAD/CN/20491-502 dated 8.9.2006, the Lieutenant Governor, GNCT of Delhi approved automatic re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance, till they attain the age of 62 years vide notification No. F.30-3 (28)/Co-ord./2006/689-703 dated 29.1.2007. NDMC wants to adopt the same for NDMC teachers also as per the terms & conditions of NDMC given in para-4 below. This agenda was deferred with directions to give list of all retiring teachers in the month of Sept.,2007 their examination by sub-committee & also recommendations of the sub-committee.

In pursuance of above directions a list of all teachers retiring is placed at **annexure-A (See page 180)** and recommendations of sub-committee for re-employment is placed at **Annexure-B (See page 181)** .

4 Detailed proposal on the subject / project:

The re-employment of retiring teacher's upto PGT levels will be on the following terms & conditions:

- i) The retiring teachers of the NDMC shall be eligible for consideration for re-employment against clear vacancy upto his/her attaining the age of 62years. The re-employment will be subject to fitness and vigilance clearance of the retiring teachers, i.e. the pensioner. For physical fitness of retiring teacher a certificate from authorized medical practitioner is required to be submitted to the Head of School, where the retiring teacher has last served. The professional fitness of the retiring employee shall be assessed by a sub-committee consisting of Dir.(Edn.), DD(Edn.), DEO(A) & DEO(G) after considering work

and conduct report, vigilance clearance and medical certificate/fitness submitted by the pensioner. The sub-committee shall ensure that the teachers who are free from Vigilance angle are only re-employed.

- ii) The Dy. Director (Edn.) will be authorized and responsible for issuing the re-employment orders of all teachers after checking vigilance clearance and fitness one month in advance of retirement of the pensioner. However, the Dy. Director (Edn.) will obtain the necessary approval of the Secretary, NDMC before issuing the office orders for re-employment in each case.
- iii) The re-employed pensioner will be bound by the instructions contained in the Central Civil Service (Fixation of pay of Re-employed Pensioners) Orders, 1986. All service conditions will be subject to the provisions of these rules.
- iv) The re-employed pensioner shall have to execute the agreement containing the terms and condition in Annexure-I of CCS (Fixation of pay of Re-employed Pensioners) orders, 1986 with provision as provided therein. The re-employed pensioner shall furnish receipt as provided therein. The re-employed pensioner shall furnish receipt as provided in Annexure-II of CCS (Fixation of pay of Re-employed Pensioners) Orders 1986 along with the pay bill every month.

The agreement containing the terms and conditions in Annexure-I of CCS (Fixation of pay of re-employed pensioners) order 1986 will only be applicable to re-employed pensioners whose pension has not been fixed and their pay is to be drawn without waiting for fixing to avoid delay. In case where pension has been fixed as on date of his retirement, the said agreement is not required to be executed.

- v) The pay of re-employed pensioners appointed shall be fixed in accordance with the provisions of CCS (Fixation of pay of Re-employed Pensioners) Orders 1986 i.e. the initial pay on re-employment plus the gross amount of pension shall not exceed (i) the pay he drew before his retirement or (ii) Rs. 26000/- whichever is less, in pursuance of O.M. No. 8(34)-Estt.III/57 dated 25/11/1958 as modified from time to time.

The Dy. Director (Edn) will however act upon as per the instructions contained in the CCS (Fixation of pay of Re-employed Pensioners) orders 1986 and other procedures and guidelines issued from time to time. The initial pay of re-employment teacher shall be fixed at the same stage as the last pay plus DP drawn at the time of retirement. However, the pension shall be reduced from the last pay plus DP drawn, in terms of para 4 (b)(ii) of CCS (Fixation of pay of re-employed pensioners) orders 1986.

- vi) All terms and conditions provided in Annexure-I of Central Civil Services (Fixation of pay of Re-employed Pensioners) Orders, 1986 shall be part of the agreement which will be executed by the retiring teacher on Non-Judicial stamp paper of Rs. 100/-.
- vii) The benefits of re-employment will be applicable from the date of adoption of the scheme by the Council.

5 Final implications of the proposed project/subject:

It is only re-employment of retiring teacher's upto PGT levels for 2 years without affecting their retrieval benefits subject to fitness & Vigilance clearance.

6 Implementation schedule with timelines for each stage including internal processing:

The automatic re-employment of retiring teacher's up-to PGT level will be implemented with immediate effect after being approved by the Council.

7 Comments on the Finance Department on the subject:

The Finance Department has concurred the proposal of department that there is no extra financial burden to grant re-employment for a period of two years up-to the age of 62 years to the retiring teachers of NDMC subject to the condition that the re-employment is granted against a clear vacancy.

The Finance Department has also observed that the column No.5, 7, 8, 12, 13,14 and 15 of the draft agenda are not filled properly and advised to do so.

8. Comments on the department on comments of the Finance Department:

As desired by the finance, required changes in the column No.5, 7, 8, 12, 13,14 and 15 have been done.

9. Legal implication of the subject:

No legal implication is involved in this case, however, the case was referred to the Law Department and they have observed that the agenda item is within the competence of Council and may be put up to Council for approval.

10. Details of previous Council's Resolutions, existing law of Parliament and Assembly on the subject:

The Govt. of NCT of Delhi vide notification No. F.30-3 (28)/Co-ord./2006/689-703 dated 29.1.2007 introduced the scheme for the first time. The terms & conditions were also issued vide

No. F.30-3 (28)/Co-ord./2006/4637-72 dated 28.2.2007 and No. F.30-3 (28)/Co-ord./2006/5932-6012 dated 22.3.2007. However, the NDMC has given its own terms & conditions in para-4 above for Automatic Re-employment of Retiring Teachers upto PGT levels on the basis of the terms & conditions issued by the Directorate of Education, Govt. of NCT of Delhi on 28.2.2007 and 22.3.2007.

11. Comments of the Law Department on the subject / project:

The Legal Advisor has observed that the agenda item is within the competence of Council and may be put up to Council for approval.

12. Comments on the department on comments of the Law Department:

As per legal cell's advice, agenda is being placed before the Council.

13. Recommendations

Automatic Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years may kindly be approved.

14. Draft Resolution:

Re-employment of all retiring teachers up-to PGT level subject to fitness and vigilance clearance till they attain the age of 62 years is approved.

COUNCIL'S DECISION

Resolved by the Council that re-employment of all retiring teachers up-to PGT level, subject to fitness, vigilance clearance and clear vacancy, till they attain the age of 62 years, is approved strictly as per Delhi Govt. Scheme.

Further resolved by the Council that the policy of re-employment of retiring teachers upto PGT level in NDMC, be applicable on the teachers retiring in the month of October, 2007 onwards.

Annexure-A

List of the teachers who had retired on 30th September 2007 from the Council on Superannuation of 60 years of age for examination of their cases for re-employment upto 62 years of age :

S.No.	Name & Emp. Code No.	Designation	Date of retirement	Name of the school
1	Smt. Zubida Siddiqui 205824	Assistant Teacher	30.09.2007	NP Pry. School Lodhi Road
2	Smt. Savitri Grover 205056	- do -	30.09.2007	NP Middle School Sangli Mess
3	Smt. Indra Taneja 225236	- do -	30.09.2007	NP Model Pry. School No.1, Kidwai Nagar(East).

Annexure-B

Recommendation of Sub-committee for re-employment

Details of medical examination reports, no inquiry report and work & conduct report of the retiring teachers who had retired from Municipal Service on superannuating age of 60 years on 30th September, 2007.

S.No.	Name & Emp. Code No.	Designation	Medical Fitness report	Vigilance clearance	Work & conduct report	Re-employed
1	Smt. Zubida Siddiqui 205824	Assistant Teacher	Not received till date	OK	OK	Refusal for re-employment
2	Smt. Savitri Grover 205056	- do -	Not received till date	OK	OK	Not recommended as did not submit medical report
3	Smt. Indra Taneja 225236	- do -	OK	OK	OK	Yes fit for re-employment.

Sd/-
Dy. Dir.(Edn.)

Sd/-
DEO(A)

Sd/-
DEO(G)

Sd/-
Director(Edn.)