

**Central Administrative Tribunal  
Principal Bench**

**OA No. 3665/2019**  
MA No. 4066/2019

New Delhi, this the 6<sup>th</sup> day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. A. K. Bishnoi, Member (A)**



Smt. Kanwal Nain, Age 57 years,  
Group 'B', Designation: TGT (Maths)  
B-170, Vasant Kunj Enclave,  
New Delhi-110070

- Applicant

(By Advocate: Shri K.K. Kaushik)

VERSUS

The Chief Secretary,  
Government of NCT of Delhi,  
Delhi Government Secretariat,  
IP Estate, New Delhi-110002

- Respondent


(By Advocate: Ms. Esha Mazumdar)

**: O R D E R (ORAL) :**

**Justice L. Narasimha Reddy:**

The applicant is employed as a Teacher in the Education Department of State of Haryana. Through an order dated 22.08.1994, she was taken on deputation by the Directorate of Education, GNCTD. She continued there till 15.05.2000 and thereafter she was repatriated to her parent department.

2. It appears that the husband of the applicant addressed a letter dated 03.10.2018 to the respondents, stating that the condition no.2 incorporated in the order dated 22.08.1994 is not valid and the applicant has not been extended the benefit in terms of the policy framed in the year 2007. Through a communication dated



27.12.2018, the respondents rejected the claim and stated that the policy framed in the year 2007 was prospective in operation.

3. This OA is filed with a prayer to declare the condition no.2 incorporated in the order dated 22.08.1994 as void abinito and contrary to the policy decision dated 09.10.1986 and to set aside the order dated 27.12.2018.

4. We heard the applicant, who argued the case in person, at the stage of admission, at length.

5. The grievance of the applicant is about condition no.2, incorporated in the order dated 22.08.1994. On the face of it, the claim of the applicant is untenable and is barred by limitation and laches. The condition is challenged after expiry of quarter of a century. In case the applicant had the grievance about the condition no.2, she ought to have pursued the remedy at that point of time or declined the deputation itself. Even while on deputation, the applicant did not raise that plea. She went back to her parent department in the year 2000.

6. It was only in the year 2018 that the grievance was raised through a representation made by the husband of the applicant. There again, reliance was placed upon the policy framed in the year 2007. The respondents have clearly stated that the policy of the year 2007 cannot be applied retrospectively. It is un-understandable as to how the applicant can claim the benefit from the GNCTD on the

basis of law, made after she was repatriated to her parent department.

6. We do not find any merit in the OA. It is accordingly dismissed.

Pending MA, if any, shall also stand disposed of.  
There shall be no order as to costs.

**(A. K. Bishnoi)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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