

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No 1568/98

New Delhi: this the 24 day of July, 2000.

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN(A).

HON'BLE MR. KULDIP SINGH, MEMBER(J)

Shri Mohinder Singh,
S/o Shri Hira Singh,
R/o 72, Rampura,
Delhi-25.

...Applicant.

(By Advocate: Shri Surinder Singh)

Versus

1. The Chief Secretary,
Govt. of National Territory of Delhi,
Old Secretariat, Civil Lines,
Delhi-54.

2. The Deputy Director, Education,
Dist. North,
Lucknow Road,
Delhi (Accounts Branch)

...Respondents.

(By Advocate: Sh. George Paracken)

ORDER

Mr. S. R. Adige, VC(A):

Applicant impugns respondents' order dated 12.1.94 (Annexure-A2) read with order dated 25.6.98 (Annexure-A1) and seeks inclusion of his past service rendered by him in JAS Inter College, Khurja(UP) from 18.1.57 to 19.11.59 and DAV Sr. Secondary School, Samaipu Badli, Delhi from 20.11.59 to 24.11.60 for pensionary benefits.

2. Admittedly applicant moved from an aided school to a Govt. School. By Circular dated 18.6.96 (copy taken on record) it has been clarified that in cases of teachers who are/were appointed in Govt. schools from aided schools, (such as applicant), they were required to exercise their option for pensionary benefits within one year of joining Govt. service. This circular is clear and unambiguous and as applicant did not exercise his option within the

prescribed period, he is not entitled to the relief claimed.

3. Applicant has contended that in some other cases this claim under similar circumstances has been allowed, but respondents contend that those claims were allowed in error and any error committed by respondents does not give applicant an enforceable legal right to compel respondents to repeat the same.

4. There is merit in this contention of respondents and in view of the unambiguous nature of the clarification contained in Circular dated 18.6.96, the OA warrants no interference. It is dismissed.
No costs.


(KULDIP SINGH)

MEMBER(J)


(S.R. ADIGE)
VICE CHAIRMAN(A)

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