

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1663/98

New Delhi, this 4th day of April, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastray, Member(A)

R.N. Sharma  
Retired Vice-Principal  
Govt. Adult Sr.Sec. School, Mori Gate  
Delhi .. Applicant

(By Shri S.K.Shukla, Advocate - not present)

versus

1. Director of Education  
Govt. of NCT of Delhi  
Old Sect., Delhi
2. Accounts Officer  
Dt. Central, Bela Road  
Daryaganj, New Delhi .. Respondents

(By Shri Raj Singh, Advocate - not present)

ORDER(oral)

Reddy, J. -

The applicant, Vice-Principal, Government Adult Sr. Secondary School, retired from service on 31.7.95. Before joining the Delhi Admn. he was working as Teacher in the following schools:

| S.No. | Name of schools                         | Service rendered from - to                      | GIA getting from Govt. |
|-------|---|---|------------------------|
| 1.    | Sri Mahajani Pathashala<br>Dehradun, UP | 1.9.56 to 28.10.61                              | 50 to 90%              |
| 2.    | HNGG Middle School<br>Raj Niwas         | 21.10.61 to 14.7.63                             | 95%                    |
| 3.    | Marwari Sr.SS, Delhi                    | 22.7.63 to 16.8.66                              | 95%                    |
| 4.    | Happy SSS, Delhi                        | 17.8.66 to 6.10.69                              | 95%                    |
| 5.    | Vidya Bhawan School<br>Delhi            | 7.10.69 to 30.4.82<br>(GIA allowed from 1.5.74) | 95%                    |

2. The applicant thus worked in aided schools from 1.9.56 to 6.10.69 and from 7.10.69 to 30.4.82 he served in Vidya Bhawan School which was a recognised but unaided school. He joined the Delhi Admn. in May,

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1982. The only relief that is prayed for in this OA is for counting the entire service rendered by the applicant in the above schools for pensionary benefits. (10)

3. In the reply it is admitted that the service rendered from 1.9.56 to 6.10.69 and 1.5.74 to 22.5.89 was in aided schools. For the period from 7.10.69 to 30.4.74 the school was not receiving grant-in-aid and hence that period was not qualified for pensionary benefits. It is stated that as per the Department of Education letter dated 30.10.91 the service rendered in unaided schools shall not be counted for pensionary purpose.

4. We have heard the applicant who argued his case in person, in the absence of his counsel. None present for the respondents either in person or through counsel. We have carefully perused the pleadings of the case. The only question that has to be decided is whether the period from 7.10.69 to 30.4.74 could be counted for pensionary benefits. The applicant relies upon Section 10(1) of Delhi School Education Act, 1973 which stipulates that the scales of pay and allowances, medical facilities etc. of the employees of a recognised private school shall not be less than those of the employees of the corresponding status in school run by the Delhi Admn. He also relies upon the judgement in Ranjit Singh & Anr. Delhi Admn. & Ors. CWP No.3744/90 decided on 7.7.91 by the Delhi High Court. Section 10(1) of the Act deals with the pay scales, pension and other benefits with regard to the employees of the private schools and that of the Delhi Admn. In the present case the applicant has been

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working in Delhi Admn. since 1982 and prior to that for the period from 1.9.56 to 6.10.69 he was working in recognised and aided schools and for the period from 7.10.69 to 30.4.74 in recognised but unaided school. Though in the letter dated 12.7.88 the benefit of service rendered in local bodies/aided schools/ recognised schools in Delhi and outside Delhi could be counted as qualifying one for pension benefits, however, by letter dated 30.10.91 it was clarified that service rendered in unaided schools shall not be counted for this purpose. Applicant however does not place before us any material to show that he is entitled for counting the period of work in unaided school also for the purpose of pension. Pension is dependent upon the length of service in the schools of Delhi Admn. and not other private unaided schools. The judgement relied upon by the applicant does not come to his aid. It is true that in the above judgement the period of service in the unaided school also was counted for the purpose of pensionary benefits. That was on the premise that the petitioner therein was granted increments for the period during which he worked in unaided school. In the present case admittedly the applicant has not been granted increments for the period he worked in unaided school. In the circumstances, the above decision cannot be applied to the facts of the present case.

5. It is lastly argued by the applicant that he was entitled for condonation for interruption in service between the aided and unaided schools. He relies upon the notification dated 26.3.83 issued by the Delhi Admn. In para 9 it is stated that interruption between two spells of service rendered by a teacher in an aided

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school receiving aid in the form of maintenance grant to the extent of 95% from Delhi Admn. and MCD or NDMC or Delhi Cantonment Board shall be treated as automatically condoned. It is not the case of the applicant that the unaided school where he was working was getting grant from Delhi Admn. or MCD or NDMC or the Delhi Cantonment Board. In the circumstances, the above notification is not applicable to the instant case. (2)

6. In view of the above position, we are of the view that the applicant is not entitled for counting the service rendered by him in unaided school for the benefit of pension. The OA fails and is accordingly dismissed. No costs.

*Shanta*

(Smt. Shanta Shastry)  
Member(A)

*Om Rajagopala Reddy*

(V.Rajagopala Reddy)  
Vice-Chairman(J)

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