

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2257/1996

New Delhi this the 16th day of March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

Mrs. Shanta Nagpal W/O H.L. Nagpal,
R/O B-171, Amar Colony,
Lajpat Nagar,
New Delhi.

... Applicant

(None present)

-Versus-

1. Lt. Governor through
Chief Secretary (NCT),
5, Sham Nath Marg,
Delhi.

2. Director of Education,
NCT, Old Secretariat,
Delhi.

... Respondents

(None present)

O R D E R (ORAL)

Shri Justice Ashok Agarwal:

Parties and their advocates are absent. We have perused the record and we proceed to dispose of the O.A. in their absence in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

By the present O.A. applicant claims extension of two years' service as Post Graduate Teacher (PGT) in Hindi as she is a State Awardee.

2. Applicant was appointed as Assistant Teacher on 12.8.1960. She was promoted to the post of Language Teacher on 6.9.1965. While working as a Language Teacher, applicant was conferred with the Zonal Award in the year 1980, National Award ^{for} being the best Teacher by the CCRT in the year 1986 and the

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State Award for the year 1988. Applicant was also conferred with the District Award in 1994 and finally an Award by the Hindi Academy on 27.9.1996. Applicant was promoted as PGT w.e.f. 21.4.1987.

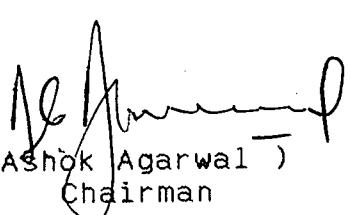
3. The date of birth of the applicant is 1.11.1936; the age of retirement is 60 years; she was due to retire on 31.10.1996. Applicant is claiming extension of service by two years based on a policy of the respondents dated 22.7.1985 where the aforesaid extension can be claimed provided the claimant is a State or National Awardee, his/her vigilance report is clear, and he/she is physically fit in all respects, i.e., mentally as well as physically to work as a Teacher. In the circumstances, she claims a right to continue in service as a PGT till 31.10.1998.

4. It is true that under the aforesaid policy of 22.7.1985 aforesaid facility was provided to State or National Awardees. However, as has been pointed out by the respondents in their counter, the said policy has been rescinded vide memo No.F.33(17)/Edn./1195 dated 12.3.1996 issued by the Joint Secretary (Education) whereby it has been decided that no Teacher including Vice Principals/ Principals will be given extension in service on the basis of State/National Award given at any time during the service period before or after 1990. However, they would be entitled for cash award of Rs.5,000/-, and a medal of merit along with merit scroll. It is further provided in the said memo that all instructions earlier issued on the subject will stand

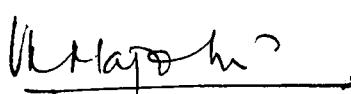


superceded. Aforesaid memo has been issued on 12.3.1996, which is prior to the due date of retirement of the applicant on 31.3.1996. Hence, the same will hold the field. Though this may be apparently a hard case, we do not find that the applicant can claim extension of service as of right based on a policy decision which has been superceded by a later policy decision which has withdrawn the aforesaid facility. These are policy matters. Just as it is open to the Government to frame a particular policy, it is within the right of the Government to rescind or alter the same. As far as present case is concerned, applicant had prayed for an interim relief seeking stay of her retirement. By an interim order passed on 18.10.1996, the same, on placing reliance on a decision of the Supreme Court in the case of **State of Tamil Nadu v. T.V. Venugopalan**, JT 1994 (5) SC 337, was rejected. Applicant has accordingly stood retired w.e.f. 31.10.1996.

5. Having regard to the policy of the Government which now holds the field, we do not find that the applicant is entitled to reliefs claimed in the present O.A. Present O.A., in the circumstances, is dismissed. There shall, however, be no order as to costs.


(Ashok Agarwal)

Chairman


(V. K. Majotra)

Member (A)

/as/