

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.654/1996

New Delhi, this 18th day of October, 1996

Hon'ble Shri V. Radhakrishnan, Member(A)  
Hon'ble Shri T.N. Bhat, Member(J)

(3)

Shri B.D. Mittal  
s/o shri Gogal Prashad  
51, Delhi Admn. Flats  
Greater Kailash Part II  
New Delhi .. Applicant  
(By Shri S.K. Bisaria, Advocate)

vs.

1. Chief Secretary  
Govt. of NCT of Delhi, Delhi
2. Director of Education  
Govt. of NCT of Delhi, Delhi .. Respondents  
(By Shri Vijay Pandita, Advocate)

ORDER(oral)

Hon'ble Shri T.N. Bhat

In this application, the applicant, who has admittedly received State Award for best teacher in the year 1986, has assailed the policy decision contained in Memorandum dated 12.3.96 issued by the Govt. of NCT of Delhi, General Information Department (Education) whereby no teacher including Vice Principal/Principal 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.5000/- and medal of merit alongwith merit scroll. Thus, the respondents have curtailed the period of extension of the applicant from 31.8.96 to 31.3.96.

*Verdict*  
18.10.96

2. The respondents resist the application on the ground that a policy decision was taken by the concerned department of Govt. of NCT of Delhi not to extend the service by any further period.

3. We have heard the learned counsel for the parties and perused the material on record.

4. The learned counsel for the applicant during the course of arguments furnished a copy of judgement and order dated 22.8.96 in OA 661/96 in the case of Mrs. Usha Rani Verma Vs. UOI. On going through the contents of the said order we find that it squarely covers the facts of the instant case. In the aforesaid judgement, the same policy decision of the respondents dated 12.3.96 has been referred to and dealt with. The applicant therein received the State Award in 1986. It was held that not extending the service of the applicant therein on the basis of State Award in 1986, the right of the applicant could not be taken away on the strength of the memorandum dated 12.3.96. The Tribunal quashed *retrospective operation of* <sup>the</sup> ~~that~~ memorandum. <sup>the</sup> ~~That~~ application was allowed and respondents were directed to issue order extending service of applicant therein for one year beyond 1.9.95.

5. The applicant in the present OA is also relying on the above said judgement. In the circumstances, this application is allowed and the respondents are directed to *consider* <sup>the</sup> ~~continuing~~ <sup>up</sup> the applicant in service upto end of August, 1997. It may be stated that the applicant is already continuing in service in pursuance of the interim direction passed by the Tribunal.

6. The application is disposed of as above, leaving the parties to bear their own costs.

*T.N. Bhat*  
(T.N. Bhat)  
Member(J)

*V. Radhakrishnan*  
(V. Radhakrishnan)  
Member(A)

/gtv/