

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.57/1997

New Delhi, this 21st. day of October, 1997

Hon'ble Shri S.P. Biswas, Member(A)

Shri Pitam Singh  
B-81, Gali No.6  
Bhramपुरi, Delhi-53

.. Applicant

(Shri S.S.Tiwari, Advocate)

versus

Govt. of NCT of Delhi, through

1. Secretary  
Directorate of Education  
Delhi Admn. Delhi

2. Min. of Human Resources Development  
(Deptt. of Education), New Delhi

3. Dy. Director of Education  
Yamuna Vihar, Delhi

.. Respondents

(Shri Raj Singh, Advocate)

ORDER

The applicant is aggrieved by Annexure A orders dated 20.1.95 and 17.9.96 by which his prayer for counting his previous service as Assistant Teacher in Rashtriya Junior High School, Shabge Dt., Meerut from 1.7.66 to 18.9.69 for the purpose of pensionary benefits has been rejected.

2. The case of the applicant is that he joined as TGT(General) in Gandhi Harijan Middle School at Brahmpuri/Delhi on 20.9.69 under the respondents after his stint in the Meerut school. He made an appeal for the first time on 26.9.94 to the respondents for counting his past service rendered in the above said school for pensionary benefits, followed by another representatibn on 16.1.96 which were rejected by the

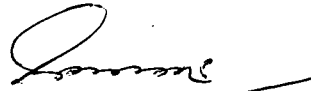
impugned orders. He has placed reliance on the letter dated 12.7.88 issued by the respondents as well as the judgement of the Delhi High Court delivered on 7.7.93 in Civil Writ Petition No. 3744/90.

3. Respondents have opposed the claim on the ground that the applicant, prior to his joining the present post under them, was working in a private unaided but recognised school and therefore his claim was rightly rejected. They have further placed a copy of letter dated 30.10.91 which was issued in continuation of their earlier letter dated 12.7.88 clarifying the position that service rendered in private recognised unaided schools shall not count for pensionary benefits. This makes the position very clear that the applicant has no claim at all. October, 1991 communication was followed by yet another letter of 11.1.96 denying the legality of the claim. This mentions:

"I am directed to refer to your letter No.F.4/Adv/PAO(T-1)/95/4096 dated 29.12.95 on the above mentioned subject and to say that vide letter No.,5-24/83-UT.I dated 30.10.1991 (copy attached), it has already been clarified that service rendered in private recognised unaided schools shall not count for pensionary benefits. It appears that the letter dated 30.10.1991 is not available in your office. You are also advised that all such cases may be referred to this Ministry alongwith the views/comment of the Directorate of Education, Govt. of NCT of Delhi".

4. I find that in so far as the judgement relied upon by the applicant, it is seen that the petitioner therein was working in an unaided but recognised school which was later on taken over by the Delhi Administration. The 1st petitioner was working as Principal in a school that was initially aided and recognised. Moreover, the respondents therein did not deny the applicability of the principles laid down in the Annexure 'X' therein. The facts and circumstances in that case are distinct from the present case and therefore the ratio arrived in that judgement does not help the applicant.

5. In the result, the application fails and is accordingly dismissed. NO COST.

  
(S.P. Biswas)  
Member(A)

/gtv/