

Central Administrative Tribunal  
Principal Bench

O.A. 928/97

New Delhi this the 2nd day of June, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri H.O. Gupta, Member(A).

Mrs. Madhu Agarwal,  
T.G.T. Science-B Female,  
Sector 1, Avantika,  
ROHINI,  
Delhi-110 085.

Applicant.

(None present)

Versus

1. Union of India,  
Ministry of Human Resources  
Development,  
(Department of Education) through its  
Secretary,  
Shastri Bhawan,  
New Delhi-110 011.
2. Lt Governor of Delhi,  
Raj Niwas Marg,  
Delhi.
3. Government of NCT of Delhi,  
through the Chief Secretary,  
5, Sham Nath Marg,  
Delhi.
4. Director of Education,  
Government of  
National Capital Territory of Delhi,  
Old Secretariate,  
Alipur Road,  
Delhi.

Respondents.

(None present)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved by the order passed by the respondents dated 10.6.1996 rejecting her claim for counting her previous service as Teacher in a private recognised School in accordance with the Govt. of India, Ministry of Human Resources Development's letter dated 30.10.1991.

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2. We have seen the pleadings as none has appeared for the applicant or the respondents. Admittedly, the applicant was working in a private school although it was recognised by the respondents. According to her, there is no distinction between the 'Terms of Service' of employees of private recognised schools and private aided schools which are governed by <sup>a</sup> common code of conduct. The scales of pay in all these schools are the same. She has stated that she had worked from 15.7.1977 to 9.11.1991 <sup>in a private school</sup> and that she had been appointed through the Employment Exchange on 9.11.1991 as 'TGT Science B Female' in Government Co-Ed. Secondary School, C-Block, Sultanpuri, Delhi under the respondents. Later, she was transferred to another Government School. Her claim is that the impugned order is bad in law and against the Delhi School Education Act, 1973 read with the Rules of 1973, as these do not make any distinction between the employees of 'Private Recognised Schools' and 'Private Aided Schools'. She has, therefore, contended that the rejection of her claim for counting her previous service in the Private School is arbitrary and illegal.

3. The respondents have denied the claims of the applicant without giving any substantial grounds. The respondents in their reply have stated that the application is misconceived and the applicant is not entitled to any relief, as prayed for. In the annexures to the O.A. filed by the applicant, we find that the respondents have given the reasons as to why the claim of the applicant has been rejected for counting her previous service for purposes of pension which she has rendered in a private school. In these documents, they have stated, inter alia, that the qualifying


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Service rendered in aided schools is to be counted for purposes of pension with certain conditions, but in the present case admittedly the applicant was working in a private school between 15.7.1977 to 9.11.1991 before she joined the Government School.

4. In the facts and circumstances of the case, we are unable to agree with the contentions of the applicant that a declaration may be given that the employees of 'Private Recognised Schools' are the same as the employees of 'Private Aided Schools' or those in Government Schools or those run by MCD/NDMC/Cantonment Boards of Central Schools. No such declaration, as prayed for by her that her previous service rendered in Kulachi Hans Raj Model School, Ashok Vihar, Delhi, from 15.7.1997 to 9.11.1991 is to be counted for qualifying service for purposes of pension after she had joined the Government School in November, 1991, can be issued.

5. For the reasons given above, O.A. fails and is dismissed. No order as to costs.

  
(H.O. Gupta)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'