

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO. 1489/2000

New Delhi, this the 12th day of March, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

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Nagendra Upadhyay S/o Sh. Muktinath Upadhyay
Trained Graduate Teacher (Sanskrit)
Posted at Govt. Boys Sec. School,
Kalyanpuri, Delhi-91
(Under the Directorate of Education, Govt. of N.C.T.
of Delhi)
R/o 19/188, Trilokpuri, Delhi-91 Applicant
(Applicant in person)

VERSUS

Union of India through

1. Lt. Governor,
Raj Niwas, Delhi,
2. Govt. of N.C.T. of Delhi
through Chief Secretary,
5, Sham Nath Marg,
Delhi
3. Principal Secretary (Education)
Govt. of N.C.T. of Delhi
Old Secretariate,
Delhi - 54
4. Director of Education,
Directorate of Education,
Govt. of N.C.T. of Delhi
Old Secretariate,
Delhi - 54
5. Municipal Commissioner,
Municipal Corporation of Delhi
Town Hall, Delhi-6 Respondents
(By Advocate : Mrs Meera Chhibber)

O R D E R (ORAL)

Shri Justice Ashok Agarwal, Chairman :

Applicant in the present OA has made the following
prayers:-

"(a) direct the respondents to fix the pay of the
applicant w.e.f. 1.1.96 onwards as per the
recommendations of Vth Central Pay
Commission as accepted by the Govt. of
N.C.T. of Delhi as well as M.C.D. in
respect of Delhi teachers;

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- (b) direct the respondents to make payment of arrears due from 1.1.96 to 31.3.97 accrued to applicant, by the aforesaid recommendation of Vth Central Pay Commission and further notification and circular of Govt. of N.C.T. of Delhi and M.C.D together with the interest at 18% on the said amount;
- (c) direct the respondents to pass necessary directions for the transfer of G.P.F. and G.I.S. funds of the applicant from M.C.D. to Dte. of Education, Govt. of N.C.T. of Delhi, immediately;
- (d) pass the directions to the concerned department of the respondents not to deduct the amount of aforesaid arrears of the applicant in Income Tax, in the event the same is paid to the applicant subsequently."

2. The applicant, who was initially appointed as Assistant Teacher in MCD was promoted as Trained Graduate Teacher (TGT) under the Govt. of N.C.T. of Delhi. The Govt. of N.C.T. of Delhi have fixed his pay in terms of the recommendations of the 5th Central Pay Commission w.e.f. 1st April, 1997 when he joined duties with the Govt. of N.C.T. of Delhi.

3. As far as the reliefs, which are claimed in the present OA are concerned, the same pertain to a period prior to the applicant's employment with the Govt. of N.C.T. of Delhi, i.e., during his tenure with M.C.D. M.C.D. is not an authority which has been notified under Section 14 of the AT Act. Proper remedy for the applicant, in the circumstances, is to approach the High Court for seeking necessary reliefs from M.C.D.

4. The present OA, in the circumstances, is returned to the applicant for presentation to the appropriate forum.

Govindan S. Tampi)
Member (A)

(Ashok Agarwal)-
Chairman

(pkr)