

IN THE CENTRAL ADMININISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

Regn. No. OA-646/88

Date of Decision 11.10.88

Smt. R. Balamma

..... Applicant.

Versus

The Director of Education Respondents.
and Others.

For the applicant. In person.

For the respondents. Shri Mukul Talwar,
Advocate.

CORAM: Hon'ble Shri P.K. Kartha, Vice Chairman (Jud1.)
Hon'ble Shri Ajay Johri, Member (Administrative).

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporters or not?

JUDGEMENT

(Judgement of the Bench delivered by Hon'ble
Shri Ajay Johri, Member (Administrative)).

The applicant in this application filed under Section 19 of the Administrative Tribunals Act, 1985 seeks relief that her services be extended for five years i.e. upto 31.7.1991 as a special deserving case, that her retirement be quashed because the department has failed to notify the event of her retirement, that as even provisional pension and gratuity ^{3y has not been paid} as ordered by this Tribunal on 30.6.87 in CCP No. 125/88 in T-801/86, she should be deemed to have got two years extension w.e.f. from 1.7.86 to 30.6.88 and that she may be further granted extension and the respondents be asked to submit certain documents pertaining to selection grade promotions and seniority of the year 1966 and 1970.

2. The applicant according to her own showing was to superannuate on 30.6.1986 on attaining the age of 60 years. She had filed a suit in the lower court in 1984 against her not being given duty in the year 1983 and sought an order restraining the Principal of Government Boys Senior Secondary

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School, No.2, Sarojni Nagar not to obstruct her from discharging her duties as Teacher in the school, but she was not given any duty. As her impending retirement was approaching, she filed an application to either decide the case early or to grant extension of service beyond 30.6.86 so that she is not evicted from the house. According to her, this MP was disposed of with the remarks that her case will be decided before her retirement but this was not done. So her services got automatically extended because her retirement got stayed. She has alleged that she could not be retired giving scant regard to set procedures and has hence prayed that extension be confirmed.

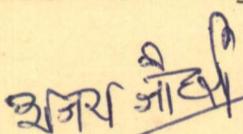
3. This application has been opposed by the respondents at admission stage. The respondents have contended that the application has been filed two years after retirement, that the applicant has not represented departmentally, that no particular order has been challenged and that extension in service is not a service matter and also there are no rules to give five years' extension.

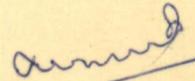
4. We have heard the applicant and the learned counsel for respondents. This application seeking extension ~~on~~ ^{of} service after the applicant got superannuated on 30.6.86, was filed in May, 1988, which is nearly two years after her retirement. If she had any grievance, she should have filed an application within one year after her retirement or after one year and six months from the date of her representation, had she done so. On both counts, the present application is barred by limitation.

5. The applicant has not challenged any particular order. It is the applicants' case that since the Tribunal has not disposed of ^{her} application, her services get automatically extended because she had requested in another MP that if the application cannot be decided she should be given extension.

We cannot accept such a contention. The fact remains that the application is not against any particular order. Section 19 of the Administrative Tribunals Act lays down that a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application for redressal of the grievance. Seeking the intervention of this Tribunal in getting extension in service on grounds of applicant's specialized qualifications etc. is asking for the courts to act as the executive. It is the executive's prerogative to decide such matters and unless their decisions are tainted by malice or malafides and are against established rules they would not be subject to judicial review. No such case has been made out. We do not consider that such a matter can be agitated before us. The right forum for the applicant was to make a departmental representation for consideration of her case for extension in service. It can in no case be claimed as a right.

6. In the above view, we reject this application on the point of limitation as well as maintainability at admission stage.


(Ajay Johri)
Administrative Member


(P.K. Kartha)
Vice Chairman (Judicial)