



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.942/2020

Through video conferencing

Tuesday, this the 25th day of September, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Sh. Janardan Sharma, Aged about 60 years
S/o Late Paras Ram Sharma,
Designation-Superannuated as Vocational Part Time
Banking Teacher (Group-B) at RJSKV, Railway Colony
Tughalkabad, Delhi

.... Applicant

(By Advocate: Mr. Varun Mudgil)

Versus

1. Chief Secretary, GNCT of Delhi,
Delhi Secretariat, IP Estate,
New Delhi-110002
2. Director, Directorate of Education,
GNCT of Delhi, Old Secretariat Building,
New Delhi-110054
3. Dy. Director of Education (Vocational),
Directorate of Education, GNCT of Delhi,
Plot No. 3, 2nd Floor, Science Centre-3,
Building Link Road,
Karol Bagh, New Delhi-110005

.... Respondents

(By Advocate: Ms. Esha Mazumdar)

ORDER (ORAL)**Justice L.Narasimha Reddy :**

The applicant state that he was engaged as part-time Vocational Teacher by the Delhi Administration through order dated 26.11.1991. He contends that repeated requests made by him and similarly situated persons for regularization in terms of the judgements rendered by the Hon'ble Supreme Court and High Courts did not materialize, he attained the age of superannuation on 26.03.2020, and thereafter he is not being entrusted with any duties. He filed this OA with a prayer to direct the respondents to treat the 28 years of part-time service as holding good for sanction of pension and other benefits.

2. The applicant states that the post was introduced on the basis of the Kothari Commission report and the appointment was on the strength of an interview and selection process. He contends that the very fact that he continued in service for 28 years, discloses that the post was permanent in nature and there was no justification for the respondents in not regularizing his services and not paying the pension. Reliance is placed upon the judgement of Hon'ble Supreme Court in the case of **State**



of Karnataka v. Uma Devi and some other judgements of the Hon'ble High Court also.

3. The OA was listed for admission on 07.07.2020, thereafter the matter was heard at some length on 10.08.2020 and it is listed today.

4. We heard Mr. Varun Mudgil, learned counsel for the applicant and Ms. Esha Mazumdar, learned standing counsel for the respondents.

5. At the outset, we take note of an objection raised by the learned counsel for the respondents that the OA is barred by res judicata. It is stated that the applicant filed OA No. 1025/1996 before this Bench of the Tribunal claiming relief of regularization and that the same was dismissed on 02.08.2000. We, however, find it difficult to accept this contention. The reason is that the relief claimed in that OA is one for regularization, whereas the present OA is filed for pensionary benefits.

6. Coming to the merits of the matter, it may be true that the applicant continued as part-time Vocational Teacher for 28 years. However, no provision of law or an authoritative precedent to convince us that that service



of such a nature needs to be treated as holding good for sanctioning the pension. How so ever important a post may be or for how so many years an employee may have worked, he can get the pension only when the rules provide for it. In the absence of such rules, the question of granting pension does not arise.

7. The applicant, in fact made an effort to get his services regularized by filing OA 1025/1996. The very basis for filing that OA was that unless the services are regularized, he may not get the pension and other benefits. Once the OA was dismissed and the order passed therein has become final, there is no way that the applicant can get the pensionary benefits.

8. Though, reliance is placed on the judgement of the Hon'ble Supreme Court in Umadevi's case, there is not even a mention in that, about the sanction of pension, for employees of this nature. On the other hand if we understand the purport of the judgement correctly, it deprecated the practice of making contractual employees against regular vacancies. As a onetime measure, a direction was issued to consider the feasibility for framing schemes for regularization of



contractual employees who have been continuing for more than 10 years that too, by subjecting them to the process for selection. The case on hand is totally different.

9. We do not find any merit in this OA and the same is dismissed accordingly. There shall be no order as to costs.

(PRADEEP KUMAR)
MEMBER (ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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