

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

**O.A. No.1600/2020  
MA No.2052/2020**

**This the 21<sup>st</sup> of October, 2020**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Monika Sharma, Age 43 years,  
D/o. Shri Trilok Mohan Sharma  
R/o. H. No. 603, Sector-28  
Faridabad Haryana – 121 008  
Presently posted as Assistant Teacher,  
MCPS Molaband, Village-1<sup>st</sup>  
Central Zone, New Delhi-110 044  
Group-'B', Sub: Old Pension/pay fixation
2. Nitika  
D/o. O.P. Dahiya  
Aged about 38 years  
R/o. H. No. 1537, Mundka, Delhi-41.  
Presently posted TGT English,  
GSKV, Nangloi, New Delhi-40  
Co-ed Vidyalaya, New Delhi-85  
Group-'B' Sub : Old Pension/pay fixation
3. Pawan Kumar  
S/o. Shri Ved Singh  
Aged about 42 years  
R/o.-D-6/1 A, Gali No. 4  
Sadatpur Extn. Delhi-94  
Posted as G.B.S.S.C., C-1  
Yamuna Vihar, Delhi-53.  
T.G.T, Math, N.D.-53  
Group-'B' Sub : Old Pension/pay fixation      ...Applicants

(By Advocate : Mr. Ranjit Sharma)

Versus

1. South Delhi Municipal Corporation  
Through the Commissioner  
Civic Centre, JLN Marg,



New Delhi-02.



2. The Director of Education,  
Govt. of NCT, Delhi  
At Old Secretariat Delhi-54.

...Respondents

(By Advocate : Mr. R. K. Jain and Ms. Esha Mazumdar)


### **ORDER (Oral)**

#### **Justice L. Narasimha Reddy:**

The applicants are some of the candidates, who responded to the advertisement issued in the year 2000 under Post CodeNo.013/2000. Though the other selected candidates were appointed on 01.01.2004, the applicants were appointed only thereafter, on account of litigation. The applicants state that while the candidates who joined the service before 01.01.2004 are under old pension scheme, they are not granted that benefit. They made many representations and got issued lawyers notice in this behalf and complaining that no action has been taken thereon, they filed this OA.

2. We heard Sh. Ranjit Sharma, learned counsel for the applicants and Sh. R.K.Jain and Ms.Esha Mazumdar, learned counsel for the respondents.

3. It is not in dispute that the applicants joined the service subsequent to 01.01.2004, the date when the new pension scheme came into force. The batch mates of the applicants who joined the service earlier to 01.01.2004 are put under the old pension scheme. In series of cases, Hon'ble High Court of Delhi



as well as this Tribunal directed that in case the advertisement was issued prior to 01.01.2004 and any selected candidate has joined the service before that date, the others who, though, joined the service subsequent to 01.01.2004, shall be put under the old pension scheme. Beyond that, no relief as regards the fixation of pay scale with reference to the date anterior to one of their joining duty, much less, the arrears, was granted.

3. We, therefore, dispose of the OA directing the respondents to consider the plea of the applicants only as regards the extending him the benefit of the old pension scheme and nothing more. The order in this behalf shall be passed within a period of three months from the date of receipt of a copy of this orders.

There shall be no order as to costs.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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