IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI



O.A. No. 2287/90 T.A. No.

199

DATE O	F DECISION 8.10.91
Shri Kuldeep Chander Sharma	Petitioner
Shri S.K. Bisaria	Advocate for the Petitioner(s)
Versus Lt.Governor of Delhi & Anr.	Respondent
Ms.Asheka Jain	Advocate for the Respondent(s)

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The Hon'ble Mr.P.K. Kartha, Vice Chairman(J).
The Hon'ble Mr.B.N. Dhaundiyal, Member(A).

- 1. Whether Reporters of local papers may be allowed to see the Judgement?
- 2. To be referred to the Reporter or not?
- 3. Whether their Lordships wish to see the fair copy of the Judgement? $\int_{i} \sqrt{t}$
- 4. Whether it needs to be circulated to other Benches of the Tribunal?

JUDGEMENT

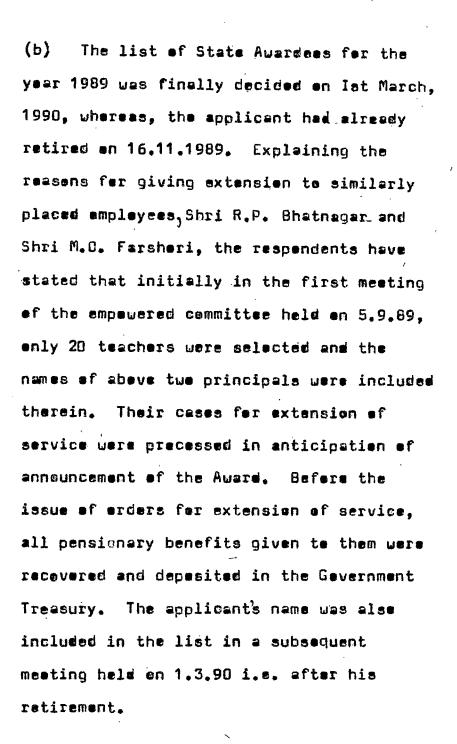
(of the Bench delivered by Hen'ble Member Shri B.N. Dhoundiyal)

- 1. This Original application has been filed by Shri Kuldip Chander Sharma, requesting for issue of directions to the Respondents to grant extension of service to him for a period of two years from the date of retirement i.e. 15.11.1989 to 16.11.1991 on the grounds of his being a State Award winner.
- 2. The applicant was appointed in 1952 as Trained Graduate Teacher, premeted as Post Graduate Teacher in 1969 and finally premeted as Principal in March 1977.

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The applicant retired from service on attaining 60 years of age from the post of Principal on 15.11.1989. He was re-employed for the period 1.12.1989 upte 31.03.1990. The applicant came to know that he had received a State Award on 08.03.1990. Thereafter he applied for extension of service on 14.03.1990, which was recommended by the Director of Education on 24.04.1990. representation dated 23.05.1990 and 08.10.1990 remained unreplied. Similarly situated persons S/Shri M.O.Farshori and R.P.Bhatnagar had been granted extension of service on the basis of being 'State Awardees. He has centended that all State Awardees are invariably being given extension for two years and exception has been made only in his case. His reempleyment as Principal is continued under the stay order granted by this Tribunal till date. The applicant has requested issue of appropriate directions to the respondents te grant him extension of service as Principal from 16.11.1989 till 15.11.1991.

- 3. The basic facts are admitted by the respondents, but they have contended as follows:
 - Rules, which is basically applicable to sided by schools, does not make it obligatory that extension in service must be granted to all the State Awardees. Moreover, the rules also provide for medical examination to ascertain whether the employee is physically and mentally alert.



4. We have gene through the records of the case and heard the arguments of the learned counsel for both the parties. Rule 110(2) of the Delhi School Education Rules reads as under:-

"STATE AWARD

A teacher obtaining a State Award may be granted extension beyond the age of superannuation on year to year basis for a total



peried of two years subject to the condition that he/she was physically and mentally alert." Discretion is given to the authorities for grant of extension subject to the employee being physically and mentally alert. The averment made by the applicant that it is the usual practice to grant such extension to all the State Awardees has not been denied by the respendents. We are not convinced by the reasons given by the respondents that there is a material difference between the applicanticase and the cases of his colleagues which were processed in anticipation of annuuncement of Award and whose retirement benefits were recovered and deposited in the Treasury. The fact that there was a delay in announcing the Award, cannot be attributed to the applicant and he should not be made to suffer for it. We also note that the respondents employed the applicant vide order dated 27.12.1989 for the period from 1.12.89 to 31.3.90 and thereafter he has continued working as a Principal till date. Even if granted two years of extension, he would be retiring en 30.11.1991.

5. In the conspectus of the facts and circumstances of the case, we are of the epinion that in all fairness, the respondents should have given to the applicant the benefit of extension of service as he is a State Award winner. The respondents are, therefore, directed to issue appropriate orders in this regard for the period from 16.11.1989 to 15.11.1991, treating the said period as extension of service. The applicant would also be

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entitled to all consequential benefits of pay and allowances. His pension and other retirement benefits should also be revised on that basis. The respondents shall comply with the above directions within a period of two menths from the date of receipt of this order.

6. There will be ne order as to costs.

(B.N. DHOUNDIYAL) \$15771
MEMBER(A)

(P.K. KARTHA)^X \ VICE CHAIRMAN(J)