

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

Regn. No. OA 256/1991

Date of decision: 19.02.1993.

Shri S.P. Singh

...Applicant

Versus

Union of India through the Secretary
to the Govt. of India, Ministry
of Human Resource Development;
Department of Education and
Others

...Respondents

For the Applicant

Shri M.L. Chawla, Counsel
with Shri S.L. Lakhanapal, Counsel.

For the Respondents

...None

CORAM:-

HON'BLE SHRI P.K. KARTHA, VICE CHAIRMAN(J)

HON'BLE SHRI B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

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

J U D G E M E N T (ORAL)

(of the Bench delivered by Hon'ble Sh. P.K. Kartha

Vice Chairman(J)

The applicant who has worked as a Sports Coach under the Directorate of Education filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the impugned order dated 13.09.1990 retiring him from Government service with effect from 31.01.1991 on his attaining the age of 58 years, for declaring him entitled to superannuate at the age of 60 years and for directing the respondents to treat the Sports Coach as Teacher and allow him to continue in service upto the age of 60 years with all attendant benefits.

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2. The pleadings in this case are complete. The case was listed for further directions/final disposal on 19.02.1993 after giving notice to the respondents. Despite service of notice on them, none is present on behalf of the respondents.

3. The applicant was due to retire on attaining the age of 58 years on 31.01.1991. On 29.01.1991, the Tribunal passed an interim order directing the respondents not to give effect to the impugned order dated 13.09.1990 whereby it had been proposed to retire him from Government service with effect from 31.01.1991. The interim order has thereafter been continued upto 31.01.1993 when the applicant attained the age of 60 years.

4. During the hearing of the case, the learned counsel for the applicant has produced before us copies of letter dated 23.01.1992 and 24.09.1992 which deal with the revision of pay scales of School Teachers/Sports Coaches. These letters have been issued by the Ministry of Human Resource Development (Department of Education) and addressed to the Director of Education, Delhi Administration. According to the letter dated 23.01.1992, Sports Coaches are to be treated as Teachers and various benefits available to the Teachers are to be extended to them with effect from the date of issue of the letter. According to the letter dated 24.09.1992 Sports Coaches are to be given all benefits as granted to the Teachers from time to time. The two letters produced at the time of hearing have been taken on record.

5. The learned counsel for the applicant has drawn our attention to the letter dated 6.9.1983 issued by the Ministry of Education and Culture (Department of Education) and addressed to the Education Secretaries of All Union Territories, according to which, the age of retirement of Delhi School Teachers is sixty years (Vide Annexure A-6, page 39 of the paper book).

[Handwritten signature]

6. The aforesaid letter dated 23.01.1992 ^{was issued} ~~during~~ ^{interim} the pendency of the said order passed by the Tribunal. In view of this, we are of the opinion that the benefits/facilities envisaged in the said letter would be available to the applicant.

7. In view of the above, we hold that the applicant is entitled to the relief prayed for in this application. Accordingly, we set aside and quash the impugned order dated 15.09.1990 purporting to retire the applicant from Government service with effect from 31.01.1991 on his attaining the age of 58 years. We hold that the applicant should be treated on a par ^{with} ~~like~~ any other Teacher under the Delhi Administration and that his date of retirement would be on attaining the age of sixty years. He would also be entitled to all the benefits and facilities admissible to the Teachers working under the Directorate of Education till 31.01.1993 including pay, allowances and increments admissible under the rules. The respondents shall revise the pension and other retirement benefits payable to the applicant by treating his date of retirement as 31.01.1993 and not 31.01.1991. They shall issue the appropriate orders in this regard expeditiously and preferably within a period of 3 months from the date of communication of this order. The interim order passed on 29.01.1991 is hereby made absolute.

There will be no order as to costs.

B. N. Dhoondiyal
(B.N. DHOUNDIYAL)
MEMBER (A)
19.02.1993

P. K. Kartha
(P.K. KARTHA)
VICE CHAIRMAN(J)
19.02.1993

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