

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

O.A. No. 782/91
T.A. No.

199

DATE OF DECISION 24.9.1991

Shri Vishnu Dev

Petitioner Applicant

Shri M. M. Sudan

Advocate for the **Petitioner(s)**

Versus

Delhi Admn. & Another

Respondent

Mrs. Avnish Ahlawat

Advocate for the **Respondent(s)**

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhondiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? / M
4. Whether it needs to be circulated to other Benches of the Tribunal ? / M

(Judgement of the Bench delivered by Hon'ble
 Mr. P.K. Kartha, Vice-Chairman)

The question for consideration is whether the applicant, who retired as Vice Principal under the Directorate of Education on 30.4.1991, is entitled to extension in service for one year on the ground that he is the recipient of Municipal Award.

2. The applicant was appointed as Assistant Teacher in 1952 in the Municipal Corporation of Delhi. He was promoted as Head Master in 1961. In 1970, a decision was taken by the Municipal Corporation to close Higher Secondary Schools and the Middle Schools and their

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schools were transferred to the Delhi Administration along with the staff. According to the terms and conditions regarding the absorption of such Teachers of the Delhi Municipal Corporation in the Delhi Administration, all the employees of the Delhi Municipal Corporation to be absorbed in the Delhi Administration, will be placed in a separate Cadre to be called 'Special Cadre'. The employees of the Education Department, Delhi Administration other than those in the Special Cadre, will be called the Administration Cadre. It was noted in the terms and conditions that the Special Cadre was a diminishing one. As regards the age-limit for retirement, it was stipulated that it will be 60 years after absorption. Para.4(d) of the terms and conditions stipulated that "A member of the Special Cadre when appointed to a higher post either on promotion or by direct recruitment, shall cease to be born on the Special Cadre, and shall become a member of the Administration Cadre, his seniority in the Administration being determined according to the normal rules on the matter."

3. The applicant was promoted as Vice-Principal on 19th October, 1988. By order dated 4.5.1990, the respondents decided that the applicant would retire on 30.4.1991 on attaining the age of superannuation of 60 years.

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The applicant is the recipient of a Municipal Award in the year 1967. In view of this, he applied for grant of extension in service for one year beyond the age of 60 years. This was turned down by the respondents without giving any reasons.

4. The respondents have stated in their counter-affidavit that the applicant was no longer an employee of the Special Cadre and had become a member of the Administration Cadre after he was promoted to the post of Vice Principal.

5. We have carefully gone through the records of the case and have considered the rival contentions. The applicant has relied upon a letter written by the Director of Education on 15.5.1987 wherein it has been stated that the Teachers of the Special Cadre who are recipients of Municipal Awards, may be granted extension in service after their attaining the age of superannuation subject to certain conditions. These orders would be applicable to the Special Cadre Teachers w.e.f. 1.7.1987. The applicant has also relied upon the tentative seniority list circulated by the respondents on 2.12.1988 in which the name of the applicant figures. It has been stated in the tentative seniority list that he is a Headmaster belonging to the Special Cadre, and that he was promoted as Vice Principal on an ad hoc basis u.d.f. 14.10.1988.

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The respondents have produced a copy of an order dated 6th December, 1990, according to which, the applicant has been appointed on a regular basis to the post of Vice Principal w.e.f. 14.10.1988. With his appointment as Vice Principal on a regular basis, we are of the opinion that he shall cease to be borne on the Special Cadre in terms of para.4 (d) of the terms and conditions regarding absorption of employees of the Delhi Municipal Corporation in the Delhi Administration, as mentioned above. The applicant has not controverted the version of the respondents that he has been promoted on a regular basis as Vice Principal by the order dated 6.12.1990. The applicant has also not raised the plea that any other Vice Principal or Principal belonging to the Special Cadre on his regular promotion in the Delhi Administration, has been granted extension beyond 60 years of age on the ground that he is a Municipal Awardee.

6. In the facts and circumstances of the case, we see no merit in the present case and the same is dismissed. There will be no order as to costs.

B.N. Dhoondiyal
(B.N. Dhoondiyal) 24/2/91
Administrative Member

D.K.K. 24/2/91
(P.K. Kartha)
Vice-Chairman (Judl.)