

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

OA 531/92

(A)

New Delhi this the 3th Day of February, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Shri R.K. Abooja, Member (A)

Shri Krishna Bhagwan Chawla
S/o Shri Chetan Anand Chawla
R/O 103, Type-IV, North West Moti Bagh,
New Delhi.

.... Applicant

(None for the applicant)

Vs.

1. Union of India through the Secretary to the Govt. of India
Ministry of Human Resources
Development (Department of Education)
Shastri Bhawan, New Delhi-1
2. The Lt. Governor of Union Territory of
Delhi, 5, Sham Nath Marg, Delhi-54
3. Director of Education,
Delhi Administration, Old Sectt., Delhi-54

(None for the respondents)

.... Respondents

O R D E R (ORAL)

(Hon'ble Shri R.K. Abooja, Member (A))

The applicant submits that he was appointed as Principal under the Government of Madhya Pradesh. He served this Government till 1975. Later on his selection by the UPSC, he was appointed as Principal under the Andaman and Nicobar Islands Administration (ANIA). He states that the post of Principal in the Andaman and Nicobar Islands Administration carries the same scale of pay as is attached to the post of Principal in the Union Territory of Delhi. He further submits that against the post of Assistant Director of Education/Education Officer which was advertised by the UPSC, the applicant had applied for the same and was selected. Thereafter, he was posted as Assistant Director of Edn. Education Officer in the Delhi Administration on 10.2.86. The

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Pls

(5)

Government of India vide their letter dated 6.9.83 decided to enhance the age of retirement of Delhi School teachers from 58 to 60 years. The post of Principal and Vice Principal working in the school were also within the purview of this letter. He claims that on his appointment as Assistant Director of Education/Education Officer under the Delhi Administration, he has the option to revert to the post of Principal. Even though he had opted for reversion to the post of Principal, but the respondents had not taken any decision on his option for reversion. He further submits that he is going to retire from Govt. service on attaining the age of 58 years as per the respondents' letter dated 29.2.1992. He alleges that the decision of the respondents to retire him at the age of 58 years without considering his option to revert to the post of Principal is discriminatory and violative of the Articles 14 and 16 of the Constitution of India.

2. The respondents in their reply have submitted that the applicant who was appointed to the post of Assistant Director of Education/Education Officer under Delhi Administration directly through the UPSC, cannot claim for reversion to a post on which he had no lien prior to his appointment.

3. We have gone through the pleadings. The main claim of the applicant is that he had been recruited to the post of Principal under the Govt. of Madhya Pradesh and later he was selected as Principal under the Andaman and Nicobar Islands Administration and that his service ~~was continued~~ ^{was being counted for all purpose} in both the organisations. Therefore, he is holding lien to the post of Principal in which he had served under the M.P. Government and Andaman Nicobar Islands Administration. The pay scale of the post of Principal in Andaman and Nicobar Islands Administration

(b)

is the same as that of Delhi Administration. He, therefore, contends that he is entitled to exercise his option to revert from the post of Assistant Director ^{of Edn./E.O.} to that of Principal and to continue in service till the age of 60 years.

4. We have considered the case of the applicant carefully but we find no merit in his averments. Admittedly, the applicant never worked in Delhi Administration in the capacity of Principal and the respondents have considered his representation and informed him that his request for reversion would not be considered since he was never holding the post of Principal, under the Delhi Administration, and therefore, the respondents stand cannot be faulted.

5. In the result, this application fails and it is accordingly rejected. No order as to costs.

~~R.K. Ahuja~~
(R.K. Ahuja)
Member (A)

~~Lakshmi Swaminathan~~
(Smt. Lakshmi Swaminathan)
Member (J)

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