



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.1120/2021

Through video conferencing

Monday, this the 21st day of June, 2021

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Babita Rani Mongia, Assistant Teacher, Group B
Aged about 44 years
w/o Sh. Pramod Kumar Mongia
r/o 19A, Pocket-C, Siddhartha Extension
New Delhi – 110 014

... Applicant
(Mr. M K Bhardwaj, Advocate)

Versus

1. North Delhi Municipal Corporation
Through its Commissioner
Dr. S P M Civic Centre
JLN Marg, New Delhi – 110 002
2. East Delhi Municipal Corporation
Through its Commissioner
Patparganj Industrial Area, Delhi – 110 092
3. South Delhi Municipal Corporation
Through its Commissioner
Dr. S P M Civic Centre
JLN Marg, New Delhi – 110 002
4. The Director
Directorate of Education,
Govt. of NCGT of Delhi
Old Secretariat, Delhi

..Respondents

(Ms. Esha Mazumdar, Mr. Manjeet Singh Reen and Mr. Rajeev Kumar, Advocates)

O R D E R (ORAL)



Mr. Justice L. Narasimha Reddy:

The applicant was appointed as Assistant Teacher (Primary) in January, 2006. Advertisement for the post was issued on 15.07.2002. Written test was conducted on 27.10.2002 and result was declared on 26.12.2003. The applicant contends that the appointment of the selected candidates was delayed on account pendency of the proceedings in the Courts and in the meanwhile, there was a change in the Pension Scheme w.e.f. 01.01.2004. She contends that this Tribunal and the Hon'ble High Court of Delhi held in several cases that the employees, who were appointed with reference to an advertisement issued prior to 31.12.2003, would be governed by the old Pension Scheme, notwithstanding the fact that the order of appointment was issued after 01.01.2004. She filed this O.A. with a prayer to direct the respondents to bring her under the old Pension Scheme. Reliance is placed upon the order passed by the Tribunal in O.A. No.2045/2010 on 16.11.2011.

2. The grievance of the applicant is that she is not being brought under the old Pension Scheme. There existed some uncertainties in this behalf. Ultimately, the issues were decided by the Tribunal and Hon'ble High Court of Delhi and the



guidelines were also issued by the Department of Personnel & Training as well as the Government of Delhi. The question as to whether the case of the applicant fits into those guidelines, needs to be examined by the respondents. The applicant filed the O.A. straightway without making any representation to the respondents.

3. We, therefore, dispose of the O.A., leaving it open to the applicant to make a representation to the respondents claiming the benefit. As and when such a representation is made, necessary orders in this behalf shall be passed within two months thereafter. There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

June 21, 2021
/sunil/