



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 1225/2021

M.A. No. 1517/2021

M.A. No. 1518/2021

This the 1st day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Mukta Aggarwal
D/o Rajinder Kr. Aggarwal
Aged about 45 years
R/o – KG-1/631, Vikaspuri, New Delhi-18
Presently posted as Assistant Teacher
MCPS, New Krishna Park, Vikaspuri
New Delhi-18,
Group-'B'
2. Anuja Mandaya
D/o Arjun Singh Mandaya
Aged about 44 years
R/o – A-89, 4th Floor, Veer Bazar Road,
Rama Park, Uttam Nagar, New Delhi-58
Presently posted as Assistant Teacher
Rajapur Khurd-I, West Zone,
Uttam Nagar (SDMC), New Delhi-58
3. Sushila
W/o Ajit Singh
Aged about 40 years
R/o – 226, Masjid Moth,
South Extn. Part-II, New Delhi-49
Presently posted as Assistant Teacher
MCPS, New DCM, Karol Bagh Zone,
New Delhi-01

... Applicants

(By Advocate : Shri Ranjit Sharma)

Versus

1. South Delhi Municipal Corporation
Through the Commissioner
Civic Centre, JLN Marg,
New Delhi-110002.



2. Director of Education,
South Delhi Municipal Corporation
Civic Centre, JLN Marg,
New Delhi-110002.
3. North Delhi Municipal Corporation
Through the Commissioner
Civic Centre, JLN Marg,
New Delhi-110002.
4. Director of Education,
North Delhi Municipal Corporation
Civic Centre, JLN Marg,
New Delhi-110002. ... Respondents

(By Advocate : Shri R. K. Jain)

: ORDER (Oral) :

Justice L. Narasimha Reddy:

The applicants responded to a notification issued in the year 2002 for appointment to the post of teachers. However, their appointment was delayed beyond 01.01.2004. They submit that the delay was not on account of any fault on their part, and the respondents are not extending the benefit of old Pension Scheme which was in existence up to 01.01.2004.

2. Reliance is placed upon several orders. In this OA, the applicants claim not only the benefit of the GPF which existed prior to 01.01.2004 but also claimed the relief of seniority and fixation of their pay on par with their juniors w.e.f. 01.07.2003 in connection with the said advertisement.



3. Today, we heard Mr. Ranjit Sharma, learned counsel for the applicants and Mr. R.K. Jain, learned counsel for the respondents.

4. With effect from 01.01.2004 a new pension scheme was introduced and the old scheme of pension was discontinued. The advertisement was issued before that date but the appointments of the applicants took place much later. The uncertainty that prevailed in this behalf was resolved through various judgments to the effect that irrespective of the date on which the appointment took place, the benefit under old pension scheme shall be available in case the posts were advertised before that date. The applicants are entitled for that benefit.

5. However, the applicants also made a claim for fixation of their scale of pay w.e.f. 01.07.2003 and for consequential benefits. That is totally untenable. It may be true that in some cases directions were issued and orders of implementation were also passed, the fact, however, remains that the delay in those cases was in connection with OBC certificates etc. The Hon'ble Supreme Court in ***K. Meghachandra Singh vs. Nigam Siro and others***, Civil Appeal No.8838 of 2019 decided on 19.11.2019, held that no person shall be entitled to claim any benefit with reference to any date, anterior to the one of his appointment.



5. We, therefore, partly allow the OA, directing that the applicants shall be covered by the old pension scheme that existed before 01.01.2004 and rejecting rest of the reliefs claimed. All ancillary applications shall stand disposed of

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

pj/vb