

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.383/2010

**Reserved On:09.03.2018
Pronounced on:25.04.2018**

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

Smt. Hirdesh Jain
w/o Shri B B Jain
r/o 236, Laxmi Bai Nagar, New Delhi.Applicant

(By Advocate: Shri H K Gangwani)

Versus

Govt. of NCT of Delhi through

1. The Chief Secretary
Govt. of NCT of Delhi
Delhi Sachivalaya, I P Estate, New Delhi-2
2. Director of Education
Dte of Education
Delhi Administration, Old Secretariat, Delhi
3. Administrator
New Delhi Municipal Committee
Town Hall, New Delhi
4. P & T Secondary School
Atul Grove Road, New Delhi.Respondents

(By Advocate: Shri Vijay Pandiata for R-1 & R-2
Shri Vaibhav Agnihotri for R-3
None for R-4)

ORDER

By Mr. V. Ajay Kumar, Member (J)

The applicant, a retired Drawing Teacher of the 4th respondent, aided school under the control of the 3rd

Respondent-New Delhi Municipal Council (for short 'NDMC'), filed the OA, seeking the following reliefs:-

- "(i) Release the arrears in respect of difference of salary actually drawn by her w.e.f 28.10.1977 and payable to her now w.e.f. 04.10.1976.
- (ii) Grant of Grade-II in the pay scale of Rs.440-730 w.e.f 04.10.1979.
- (iii) Grant of ACP w.e.f 28.12.1991 instead of 28.12.1992.
- (iv) Revision in the pension payable to her on account of regularization of her services w.e.f 04.10.1976 instead of 28.10.1977.
- (v) Payment of revised gratuity after counting her services from 04.10.1976 instead of 28.10.1977 and all other consequential benefits and
- (vi) Pass any other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice besides award cost of this petition".

2. The applicant earlier filed **Writ Petition (C) No.1476/1994** in the Hon'ble High Court of Delhi, seeking payment of salary for the period from 04.10.1976 to 27.10.1977 with interest @ 12% per annum. The said Writ Petition was allowed by the Hon'ble High Court of Delhi, by its order dated 02.05.2007, as under:-

"Based on the above discussion, respondent/NDMC is directed to pay salary of the petitioner w.e.f. 04.10.1976 to 27.10.1977 with interest @ 12% per annum w.e.f. 27.10.1977. The payment be made to the petitioner within a period of six months.

Writ Petition is allowed.

Rule is made absolute".

3. Heard Shri H.K. Gangwani, learned counsel for the applicant, Shri Vijay Pandita, learned counsel for

respondents No.1 & 2, Shri Vaibhav Agnihotri, learned counsel for respondents No.3 & 4 and perused the pleadings on record.

4. Shri Vijay Pandita, learned counsel for respondent Nos. 1 and 2 at the very threshold raised a preliminary objection of jurisdiction to adjudicate the instant OA by this Tribunal. The learned counsel submits that the applicant was admittedly an employee of the 4th respondent, aided school and this Tribunal has no jurisdiction over the service matters of the employees of the aided schools. While admitting that the 3rd respondent-NDMC was granting aid to the 4th respondent to meet the salaries of its employees including teachers, the learned counsel submitted that though this Tribunal has jurisdiction over the NDMC schools but it has no jurisdiction over the service matters of the employees of the aided schools of NDMC, as the said schools have not been notified under Section 14 of the Administrative Tribunals Act, 1985.

5. Shri H.K. Gangwani, learned counsel appearing for the applicant while not disputing the fact that the 4th respondent is an aided school and the applicant was working as a teacher in the said school, however, submits that since the 3rd respondent-NDMC is releasing 95% grant

to the said school, this Tribunal has jurisdiction to adjudicate the OA.

6. Admittedly, the 4th respondent school is not an NDMC school and it is only an aided school being run with the grant-in-aid released by the NDMC and managed by a Society, which was not notified under Section 14 of the Administrative Tribunals Act, 1985. It was also not shown to us that any of the action of the respondent-NDMC is impugned in this OA.

7. In the circumstances and for the aforesaid reasons, the OA is dismissed for want of jurisdiction. However, this order will not preclude the applicant from availing her remedies, in accordance with law, before an appropriate court, if she is so advised. No costs.

(NITA CHOWDHURY)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

RKS