

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.2629/2013

Order Reserved on: 19.07.2016
Order pronounced on 22.07.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Dr. Birendra Kumar Sinha, Member (A)

Bijender Kumar Gaur
Ex-Principal, M.C. Primary School
Sarai Kale Khan II (City Zone)
New Delhi and Resident of
195A, Patparganj
Delhi – 110 091. ... Applicant

(Applicant in person)

Versus

1. The Commissioner
North Delhi Municipal Corprn.,
Civic Centre, J.L.Nehru Marg
New Delhi.
2. The Director of Education
North Delhi Municipal Corpn.,
Civic Centre, J.L.Nehru Marg
New Delhi.
3. The Dy. Director of Education
(City Zone), J.L.Nehru Marg
Opp: G.B.Pant Hospital
New Delhi – 110 001. ... Respondents

(By Advocate: Shri R.K. Jain)

ORDER

By V. Ajay Kumar, Member (J):

The applicant, an Ex-Principal of M.C.Primary School, Sarai Kale Khan-II (City Zone), New Delhi, filed the OA seeking a direction to the respondents to grant one year service benefits after his retirement, along with arrears and interest at the rate of 9 per cent per annum.

2. Brief facts, as narrated in the OA, are that the applicant joined the respondent-Municipal Corporation of Delhi, as LDC w.e.f. 09.07.1971 and remained as such till 17.12.1976. Thereafter, he was selected as Assistant Teacher w.e.f. 18.12.1976 and was promoted to the post of Head Master which was later re-designated as Principal of Primary School w.e.f. 16.05.2005. The applicant retired from service on attaining the age of superannuation on 28.02.2007.

3. Vide proceedings No.D/ADC/(EDU)570 dated 18.03.1998 of the respondent-Delhi Municipal Corporation, Service Extension is provided to Municipal, State and National Level Teacher(s) Awardees, and the said proceedings read as under:

"True Translation

**DELHI MUNICIPAL CORPORATION EDUCATION
DEPARTMENT
NIGAM BHAWAN KASHMERE GATE. DELHI**

No.D/ADC/(EDU)570

DATE 18/03/98

**Subject- Regarding Service-Extension in Place of Municipal,
State and National Level Awards.**

You are hereby informed that M.C.D. vide its decision No.258 Dated 5/1/98 has decided to provide relief to the National/State/Municipal Awarded teacher/ Teachers having three years /2 years and year Service – Extension respectively. This

Service Extension is applicable on the basis of submitting No-R.D.A. reports from Vigilance Department, and Health fitness Certificate Year after year.

Zonal office will forward concerned files related to this matter to Administration Branch for immediate decisions.

Above decision will not applicable to the awards after 1990.

SD
17-3-98
Additional Deputy Commissioner (Education)"

4. The applicant was aggrieved in not granting the benefit under the aforesaid proceedings. He submits that he was the recipient of so many Awards, prior to 1990, and hence, he is entitled for the benefit under the said proceedings.

5. The learned counsel for the respondents opposed the OA on the following grounds:

- i) Applicant retired from service on 28.02.2007 and filed the OA on 01.08.2013 and hence, the OA is barred by time and liable to be dismissed.
- ii) The applicant got the awards while he was working as LDC but not as Assistant Teacher or Principal and hence, he is not entitled for the benefits under the said proceedings.

6. As rightly contended by the learned counsel for the respondents that the cause of action for the OA, i.e., extension of service, after retirement, arose when the applicant retired from service, i.e., on 28.02.2007 and whereas the OA is filed on 01.08.2013, i.e., after more than 6 years. Therefore, the OA is barred by limitation. No Miscellaneous Application, seeking condonation of delay, has also been

filed along with the OA and even in the OA also there was no explanation for the delay.

7. Further, the language of the said proceedings dated 18.03.1998 is clear and unambiguous. It speaks about the awards granted in the performance as a teacher only. It is not the case of the applicant that he secured any award for his performance as a Teacher/Principal.

8. In the circumstances and for the aforesaid reasons, the OA is dismissed. No costs.

(Dr. Birendra Kumar Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

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