

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

C.P. No. 529/2016
O.A. No. 1597/2009

The 16th day of November, 2018

HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)

Smt. Ganeshi Devi,
W/o Shri Gyan Singh,
R/o LPT 315, Sarojini Nagar,
New Delhi.

.. Petitioner

(By Advocate : Shri Yogesh Sharma)

Versus

1. Shri Naresh Kumar,
Chairman,
New Delhi Municipal Corporation,
Palika Kendra, New Delhi.
2. Ms. Archana Arora,
Secretary (Education),
New Delhi Municipal Corporation,
Palika Kendra, New Delhi.
3. Shri K.S. Rawat,
District Basic/Primary Education Officer,
Podi Distt. Paid Garwal (Uttarakhand)
4. Shri Parvesh Kumar Yadav,
District Basic/Primary Education Officer,
Distt. Ghaziabad UP).
5. Shri Sanjay Sinha,
Secretary,
Basic Shiksha Parishad,
Allahabad (UP).

.. Respondents

(By Advocate : Shri Rudresh Jagdale for Shri Vaibhav Agnihotri for R-1 & 2, Shri Sitab Ali Chaudhary with Chaudhary Azharuddin and Shri Gufran Ali for R-3 and Shri Mahendra Vikram Singh with Avnish Singh and Ms. Shweta Yadav for R-4)

ORDER (ORAL)**By Mr. V. Ajay Kumar, Member (J)**

O.A. No. 1597/2009 filed by the applicant was disposed of by this Tribunal on 05.03.2010 as under:

“Ganeshi Devi, applicant herein has filed this application under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to be issued to respondents No.1 & 2 to treat the service rendered by her in Education department of UP State between 20.09.1969 to 27.02.1992 as qualifying service for the purpose of pensionary benefits.

2. Pursuant to notice issued by this Tribunal, respondents No.1 & 2 have filed the reply, para 4.15 whereof reads as under:

“That the contents of para 4.15 are wrong and denied. It is submitted that the respondent No.1 & 2 is ready to count the past service of the applicant rendered in the U.P. Government as per the standing guidelines on the subject but unless & until the proper record of the applicant is received from the respondent No.4, respondent No.1 & 2 are not able to count the past services of the applicant. Rest of the para is wrong and denied.”

3. It clearly emerges from the reply filed by respondents No.1 & 2 that the claim of the applicant is not disputed. All what is said is that when the proper record of the applicant is received from respondent No.4, the needful shall be done.

4. In the circumstances mentioned above, we only direct respondent No.4 to forthwith transmit the record of the applicant to respondents No.1 & 2 and that on receipt of the same the respondents No.1 & 2 would count the period of the applicant, as mentioned above, as service rendered in UP State towards her post retrieval benefits. Original Application is disposed of accordingly.”

2. Alleging violation of the aforesaid orders of this Tribunal, the applicant filed the instant CP.

3. Today, the learned counsel for the petitioner fairly submits that since the respondents have now passed an order dated

27.09.2018 stating that the applicant is not entitled for the relief claimed, she may be permitted to challenge the said order.

4. Accordingly, the CP is closed and notices are discharged. The petitioner is at liberty to challenge the order dated 27.09.2018, in accordance with law, as prayed by the petitioner's counsel. No costs.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

/Jyoti /