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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8035/2019, CM APPL. 33284/2019-Addl. doc

N. C. GOEL

..... Petitioner

Through: Mr. Saurabh Ahuja, Adv.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. Mohnish Sehrawat, Advs. for Ms. Avnish Ahlawat, SC, GNCTD.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

27.05.2024

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1. The present petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 08.08.2018 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 451/2017. Vide the impugned order, the learned Tribunal has rejected the petitioner's prayer for directing the respondents to take into account his past service under the Directorate of Education for computing his retirement benefits.
2. It is the petitioner's case that he had initially served as a PGT Physics with the Directorate of Education for about 18 years, before joining as Lecturer (Physics) with the Directorate of Training and Technical Education, GNCTD, which post he had joined after tendering his technical resignation with Directorate of Education. Along with the petition the



petitioner has annexed a copy of the communication date 08.06.2001, from which it transpires that he had submitted a technical resignation before joining the Directorate of Training and Technical Education, GNCTD. The petitioner claims that a copy of this letter has been obtained by him from the respondents pursuant to the orders passed by the Chief Information Commissioner under the Right to Information Act, 2005.

3. On the last date, in view of the petitioner's stand that a copy of the communication dated 08.06.2001 had been obtained by him from the record of the respondents themselves, the matter was adjourned to enable learned counsel for the respondent to obtain instructions for today. While appearing today, he fairly submits that the petitioner's plea of his having tendered technical resignation to the Directorate of Education is, indeed, correct.

4. Though the learned Tribunal rejected the claim of the petitioner qua directing the respondents to count his past services between 20.11.1980 to 30.06.1998 for the purpose of his retiral benefits only on the premise that there were no documents to support the said plea of the petitioner of having tendered his technical resignation from the Directorate of Education before joining the Directorate of Training and Technical Education, GNCTD, however, in view of the change in circumstances today, wherein the learned counsel for the respondents has fairly admitted that the petitioner had indeed tendered his technical resignation from the Directorate of Education before joining the Directorate of Training and Technical Education, GNCTD, the findings of the learned Tribunal that there was no documentary proof to show that the petitioner had indeed tendered his technical resignation is unsustainable and thus, liable to be set aside.

5. For the aforesaid reasons, we allow the writ petition by setting aside



the impugned order. Accordingly, we also allow the OA by directing the respondents to compute the petitioner's pensionary benefits by taking into account his past service between 20.11.1980 to 30.06.1998 with Directorate of Education. Consequential orders for release of the petitioner's pensionary benefits by taking into account his past service with the Directorate of Education, will be passed by the respondents within 12 weeks.

6. The writ petition, alongwith the pending application, is accordingly disposed of.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 27, 2024/rr