
(2002) 04 AHC CK 0027
In the Allahabad High Court
Case No : C.M.W.P. No. 7096 of 2002

Dr. Rajendra Kumar Rastogi

APPELLANT

Vs

Director of Higher Education

RESPONDENT

Date of Decision : 30-04-2002

Acts Referred:

Citation : (2002) 3 AWC 2051(1) : (2002) 94 FLR 10 : (2002) 2 UPLBEC 1960

Hon'ble Judges : Rakesh Tiwari, J;M. Katju, J

Bench : Division Bench

Advocate : Pankaj Shukla, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju and Rakesh Tiwari, JJ.—Heard learned counsel for the petitioner and learned standing counsel.

2. The petitioner has prayed for re-fixing his pension by adding the service of 17 years 9 months and four days which he served as clerk in State Education Department, to his service as a teacher.

3. The petitioner retired as Reader from J. S. Hindu Post Graduate Degree College, Amroha on 30.6.1992. He was appointed as clerk in the Education Department in 1954 and worked there till 15.8.1972 vide Annexure-1 to the writ petition. He was then selected as teacher in J. S. Hindu P. G. College, Amroha on 16.8.1972 vide Annexure-2 to the writ petition and he retired as Reader from the said college on 30.6.1992. Thus, he was teacher for about 20 years but he wants his service for about 17 years and nine months as clerk to be added to his service as 20 years as a teacher for the purpose of calculating pension.

4. We do not agree with this submission of the learned counsel for the petitioner. The service in another institution or Department which can be added to a teacher's service for the purposes of pension is the service as a teacher in that other college or Department and not the service as a peon or clerk. Learned

counsel for the petitioner invited our attention to Annexure-4 to the writ petition and has submitted that any pensionable service of another college or Department is to be added to the service in the subsequent college or Department. We have perused the said G.O. dated 26.9.1997, Annexure-4 to the writ petition and we do not agree with the submission of the learned counsel for the petitioner. A fair reading of the said G.O. shows that it is implicit that both the services should be as teachers if they are to be added for the purpose of pension.

5. Learned counsel for the petitioner has relied on a Judgment of a single Judge of this Court (M. Katju, J.) in Writ Petition No. 11855 of 1994, Ram Janam Singh v. Deputy Director, decided on 14.9.1995 in which it was held that even the service of a clerk has to be added to the service as teacher. Although this judgment was given by one of us, we are of the opinion that the decision is incorrect and hence we reverse the same. We are clearly of the opinion that the service of a clerk or peon cannot be added to the service of a teacher for the purpose of calculating pension.

6. The petition is dismissed.