

(2004) 03 DEL CK 0077

In the Delhi High Court

Case No : Writ Petition (C) No. 3483 of 2003

Narender Kumar and Others

APPELLANT

Vs

M.C.D. and Others

RESPONDENT

Date of Decision : 17-03-2004

Acts Referred:

Citation : (2005) 1 SLJ 294

Hon'ble Judges : Pradeep Nandrajog, J

Bench : Single Bench

Advocate : Ashok Aggarwal, for the Appellant; Rakesh Kumar and Iram Majid, for the Respondent

Final Decision : Allowed

Judgement

Pradeep Nandrajog, J.

WP(C) No. 3483/2003:

1. Issue raised in the present judgment is squarely covered by the decision of this Court in CW No. 2316/2000, Ranbir Singh v. D.S.S.S.B. decided on 18.1.2002. Said judgment was followed in CW No. 6650/2001 decided on 12.2.2002. It is unfortunate that in spite of the authoritative judicial pronouncements of this Court officials of the MCD continue to insist in persisting with a wrong stand.

2. It is not disputed that the judgment delivered by this Court in Ranbir Singh's case and Lajja Ram Bhardwaj's case have been implemented. The issue which the MCD was raising pertained to the certificates issued by the Armed Forces to its employees. The Government of India had issued office memorandums to the effect that the degrees obtained/certificates obtained during employment under Armed Forces would be treated as equivalent to civil degrees for purposes of civil employment of ex-servicemen in civil posts. This Court, held that equivocation for ex-servicemen who were working as instructor AEC or POR (TAC) would mean that they were eligible for being appointed as primary teachers under the

respondent.

3. The petitioners in the present case were all employed under the Armed Forces. During course of their employment they were engaged in duties which entitle them for issuance of certificate at the time of retirement. The certificate stipulates : "Equation of education qualifications graduation certificate". The petitioners, as per the certificates awarded to them have been equated with the equivalent civil degrees as per NCO Code mentioned in the certificates issued to the petitioners. All petitioners have been held as holding a civil degree equivalent to NCO Code 1.34.10 i.e. primary school teacher.

4. Writ petition is allowed. Directions are issued to the MCD to forthwith issue letters of appointment to the petitioners for the post of Assistant Teacher (Primary). Petitioners would be entitled to their notional seniority and fixation of pay in the grade applicable treating their employment being w.e.f. the date when other persons were appointed in the year 2002 to the post of Assistant Teachers (Primary).

5. Since MCD has been obstinate in its stand, forcing the petitioners to approach this Court, each of the petitioner would be entitled to the cost in the sum of Rs. 5,000/- to be borne by the MCD. Commissioner of the Corporation would consider recovering the costs from the officer concerned who is refusing to abide by the decisions of this Court settling the issue.