

(1998) 01 AHC CK 0004

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 14039 of 1993

Rajpati Lal

APPELLANT

Vs

District Inspector of Schools and Others

RESPONDENT

Date of Decision : 23-01-1998

Acts Referred:

Citation : (1998) 2 UPLBEC 1199

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : R.G. Padia and Prakash Padia, for the Appellant;

Final Decision : Allowed

Judgement

M. Katju, J.—This writ petition has been filed against the impugned orders and dated 16.3.1993 and 30.2.1993, Annexures 32 and 23 to the petitioner.

2. The petitioner retired as principal of an aided institution on 30.6.90. The dispute is now regarding pension. The petitioner was an employee an education department from 16.7.54 to 1.7.79. From 2.7.79 he has been a teacher in aided institution. He claims that his services in education department should also be added to his services as a teacher/principal for the purposes of calculating pension.

3. Learned Counsel for the petitioner has relied on the G.O. dated 16.9.88 Annexurex24 to the petition, which states that when a teacher joins Government Service then his services as a teacher will be added to his Government service for calculating pension. Learned Counsel for the petitioner, in my opinion, has rightly submitted that on the same regulation a person who has earlier been in Government Service joins as a teacher should also be given same benefit as otherwise it would be arbitrary. In my opinion, this submission is correct whether one is first a teacher and later on, a Government Servant, or first Government Servant and later on a teacher. In my opinion, makes no difference. If the services in the capacity is to be added then it does not matter which comes first

and which comes later. In my opinion, rational interpretation has to be given to the G.O. dated 16.9.1998 and I hold that services as Government Servant must also be added to the petitioner's service for calculating pension. Learned Counsel for the petitioner pointed out that some other teachers were given same benefit vide order dated 7.7.84 Annexure 25 to the petition and there is no reason to discriminate against the petitioner.

4. The writ petition is allowed. The respondents are directed to re-calculate the petitioner's pension by adding his Government Service and his services as teacher. Arrears shall be paid within three months from the date of production of a certified copy of this order.