
(1995) 09 AHC CK 0045
In the Allahabad High Court
Case No : C.M.W.P. No. 11855 of 1994

Ram Janam Singh

APPELLANT

Vs

Dy. Director of Education and Others

RESPONDENT

Date of Decision : 14-09-1995

Acts Referred:

Citation : (1996) AWC 288 Supp

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Sanjeev Singh and Namwar Singh, for the Appellant; S. C., for the Respondent

Final Decision : Allowed

Judgement

M. Katju, J.—The dispute in this case is whether the period for which the Petitioner was working as clerk before his appointment as teacher will also be counted for calculating pension. The Petitioner worked as a clerk from 10.7.56 to 23.8.1959 but from 24.8.59 he was appointed as teacher in Tilak Dhari Singh Intermediate College, Jaunpur where he worked till 30.6.91 when he retired. The Petitioner's contention is that the period for which he worked as clerk should also be added for computing his pension.

2. Heard Shri Sanjeev Singh learned Counsel for the Petitioner and learned standing counsel.

3. For employees serving in State-aided educational institutions run by local bodies or private managements, the U. P. State-Aided Educational Institution Employees Contributory Provident Fund Insurance-Pension Rules are applicable. Rule 19 (b) of the said Rules states "continuous temporary or officiating service followed without interruption by confirmation in the same or another post shall also count as qualifying service". Rule 5 (g) of the Rules states "employee" means "a permanently employed person borne on whole-time teaching or non-teaching establishment of an aided institution excluding (a) the inferior staff and

(b) the ministerial staff of the institutions maintained by a local body." "Inferior staff" has been defined in Clause (k) of Rule 5 to mean employees in class IV category. Admittedly, the Petitioner was a class III employee (being a clerk) before he was appointed teacher. Thus Rule 19 (b) and Rule 5 (g) clearly show that the period for which the Petitioner worked as clerk would also be added for calculating the pension and other benefits.

4. In these circumstances, this writ petition is allowed. Respondents are directed to include the period for which the Petitioner worked as clerk in the institution to his period of service as a teacher for the purpose of pension and other retirement benefits mentioned in the said rule.