

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Grievance No.PGC/2018/A.II/Edn./25/

Date of hearing: 22.1.2019

Complainant : Sh. Yogi Raj, Present.

Respondent : The Director,
Dte.of Education, GNCTD.
Through Sh. Ajay Chaturvedi,
ADE(Vigilance),
Sh. Mukul Manrai, ADE(North).
Sh. Ramesh Kumar
Sh. Vivek Sharma, ASO(HQ)

Shri Shiv Shankar Kumar, SO,ACP Cell,
Services Department, GNCTD- Present.

1. Brief facts of the complaint

1. Shri Yogi Raj Suraj filed a complaint in PGC regarding non-grant of non-functional scale in pay band 2 (9300-34800) with GP Rs.5400 on 12.2.2013 which was due from 1.1.1996 while working as ADE(North) in the Office of Dy.Director of Education (North), GNCTD.

2. Facts emerged during the proceedings.

2.1 An ATR has been filed by Shri Shiv Shankar Kumar, Section, Officer (ACP Cell), Services Department, GNCTD stating that NFS Scheme to Grade-I (DASS)/Sr.P.A. has got finality vide order no. 56 issued vide No.F.2/37/2008/S-I/Lit./Vol.II dated 03.2.2015 and benefits were allowed after completion of four years of regular service subject to their vigilance clearance. The NFS benefits were allowed retrospectively w.e.f. 01.01.96 on notional basis and w.e.f. 1.12.006 on actual basis.

On the matter, attention is invited to **FR 52 wherein it has been specified that the pay and allowances of Government Servant will cease from the date of dismissal or removal. As informed by the Administrative Department, Shri Yogi Raj, Ex.ADE(North) has been dismissed from service w.e.f. 28.04.2014.**

Therefore, **Shri Yogi Raj cannot be considered for NFS benefits with retrospective effect i.e. 01.01.96 in pursuance of CCS(CCA) Rules, Pension Rules, FR 52 & as per guidelines on NFS issued vide orders dated 13.11.2003, 25.01.2006 and 16.09.2016 and in analogy to Hon'ble Delhi High Court judgment dated 08.12.2016 in WP(C) No.3912/2015 titled G.S.Dodhi Vs. Govt.of NCT of Delhi and 'FAQ on Leave' dated 25.03.2013 as the officer was dismissed from Government service w.e.f. 28.1.2014 well before the NFS Scheme being introduced in Govt. of NCT of Delhi vide Circular dated 03.02.2015.**

3. Directions :

3.1 In view of the above position explained and submitted by the Section Officer, Services Department, GNCTD, with reference to rules/guidelines and the judgment of the Hon'ble High Court of Delhi in this regard, it transpired that the complainant cannot be considered for NFS benefits. Hence, the case of the complainant is disposed of in the Commission.

**(MRS. MADHU SHARAN)
MEMBER**

No.PGC/2018/A.II/Edn./25/

Dated:

Copy to :-

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
2. The Dy.Director of Education (HQ)/Nodal Officer, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
3. The Asstt.Director of Education(GOC), GNCT of Delhi, Dte.of Education, Old Secretariat, Delhi-110054
4. Sh. O.P. Pandey, Asstt.Director of Education (Vigilance), GNCT of Delhi, Dte.of Education, Old Secretariat, Delhi-110054
5. Section Officer/LO, GNCT of Delhi, Services Department (ACP Cell), 5th Level, A-Wing, Delhi Secretariat, New Delhi-110002.
6. Shri Yogi Raj