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Central Administrative Tribunal, Principal Bench

Original Application No. 2219 of 2002
M.A. No. 1804/2002

New Delhi, this the 23rd day of August, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

1. Govt. Schools Vice Principal's Association

Through its President

Shri V.P. Singh, S/o Shri Albel Singh
R/o B-00/230, Sector-1, Rohini,
Delhi

2. Shri H.B. Brahmchari, S/o Shri C.B. Brahmchari

R/o C-4/B-213, Janakpuri
New Delhi

3. Shri Grahn Singh S/o Shri Daryav Singh

R/o B-5/167, Paschim Vihar
New Delhi

4. Shri K.C. Sharma, S/o Shri Triveni Prasad

R/o B-72, Gali No. 5, Jyoti Colony,
Loni Road, Delhi

5. Smt. Raj Raheja, W/o Shri K.S. Lal

R/o C-4-A/70-C, Janakpuri
New Delhi

6. Shri Jagpal Singh Verma, S/o Sh. Chhidha Singh

R/o WB-201, Shakarpur,
Delhi-92

.... Applicants

(By Advocate: Shri D.R. Gupta)

Versus

1. Lt. Governor of Delhi

Raj Niwas Marg
Delhi

2. Chief Secretary,

Govt. of N.C.T. of Delhi
Players Building, I.P. Estate
New Delhi

3. Principal Secretary (Education),

Govt. of N.C.T. of Delhi
Old Secretariat
Delhi

4. Secretary,

U.P.S.C.
Shahjahan Road,
New Delhi

.... Respondents

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O R D E R (ORAL)

By Mr. V.K. Majotra, Member (A)

Heard Shri D.R.Gupta, learned counsel of the applicants.

2. M.A.1804/2002 for joining together in a single OA, is allowed.

3. The applicants are aggrieved by the inaction of respondents to convene D.P.C. in accordance with a model calendar circulated by the Department of Personnel and Training dated 8.9.98 read with O.M. of even number dated 13.10.98 to consider their claim for promotion to the posts of Principal to which they are entitled in terms of the recruitment rules for the post. The applicants have pointed out that in reply to C.P.No.43/2002 in O.A.No.139/2001 in the matter of "Govt. Schools Vice Principals Association vs. Union of India & ors.", respondents had submitted that all vacancies upto the date have been filled up and vacancies on account of retirement/death/voluntary retirement of the Principals would be filled up in the year 2001-2002 in accordance with the rules. The respondents, on the basis of their submission, were discharged from the contempt proceedings and applicants were given liberty to file fresh OA for redressal of their grievance.

4. It is alleged that respondents, despite availability of vacancies of Principals numbering about 212 and applicants' eligibility for consideration for promotion to the posts of Principal as also respondents' commitment

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to fill up such vacancies in accordance with rules in contempt petition No.43/2002 in O.A.No.139/2001, have not so far convened the DPC.

5. Having regard to the facts and circumstances of the case, in our view ends of justice will be duly met at this stage and without issuing notice to the respondents, if they are directed to convene a DPC to consider the applicants' claim for promotion to the posts of Principal in terms of the law laid down by the Tribunal and by the Supreme Court of India in the matter of Union of India & ors. vs. N.R.Banerjee & ors. reported in SLJ 1997 (2) SC 103, expeditiously and on or before 30.12.2002. O.A. is disposed of in the above terms.

V.K. Majotra

(V.K. Majotra)
Member(A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

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