



**Central Administrative Tribunal
Principal Bench**

OA No.1/2020

New Delhi, this the 2nd day of January, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

Krishna Pal Singh
Age 62 years,
Retired as DEO, GNCT
S/o Late Shyam Singh
R/o S-51, Second Floor,
H Block, Saket, Near Gate No.3,
New Delhi 110 017.

... Applicant.

(By Advocate : Shri Manish Kumar)

Vs.

1. Govt. of NCT of Delhi
Through Chief Secretary
New Secretariat Building,
New Delhi.

2. Director of Education
(Department of Education)
Old Secretariat, Delhi.

3. DDE (South West-A)
Directorate of Education
C-Block, Vasant Vihar,
New Delhi.

... Respondents.

(By Advocate : Ms. Esha Majumdar)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman:**

The applicant states that he was selected for appointment to the post of Post Graduate Teacher (PGT) in the Directorate of Education, Delhi, in the year 1984 and the order of appointment was issued on 16.05.1985. He was retired from service on 31.07.2017. One year thereafter, a representation was made by him claiming that he is entitled for notional fixation of pay and seniority from the date of his selection. The representation made by him was rejected through order dated 23.05.2018. This OA is filed challenging the order of rejection, and with a prayer to grant notional fixation of salary as well as seniority from 1984.

2. The applicant contends that once he was selected in the year 1984, he was entitled to be appointed immediately, and the delay in issuing the orders of appointment, cannot be cited as a ground for denying him the benefit of notional fixation of salary as well as seniority.

3. We heard Shri Manish Kumar, learned counsel for the applicant and Ms. Esha Majumdar, learned



counsel for the respondents, at length at the stage of admission.

4. It may be true that the applicant was selected in the year 1984, and the orders of appointment were issued on 16.05.1985. He was in service for about 32 years. At no point of time, he has raised any plea for notional fixation of salary or seniority. The question of notional fixation would arise, if only, any Teacher who was below the applicant in the ranking assigned by the selecting agency was appointed with effect from an earlier date. The applicant did not cite any example of a Teacher who figured below him in the selection list having been appointed earlier to him. At any rate, the applicant who remained silent in his entire service cannot claim the relief, after retirement with reference to the date of his joining.

5. Though reliance is placed upon the case of one Smt. Krishna Kumari, the applicant is not clear about the details thereof. A perusal of the order dated 01.07.2013 discloses that she has been pursuing the remedy from the year 2004 onwards, and her claim became subject matter of an OA before this Tribunal, a Writ Petition before the Hon'ble Delhi High Court and an SLP before the Hon'ble Supreme Court.



Further, the facts of that case are not placed before us in detail. It is not even stated that the applicant stands on the same footing. Assuming that the applicant stands on the same footing as Smt. Krishna Kumari, the fact remains that the said Teacher pursued the remedy while she was in service, almost one and a half decades earlier. The applicant has woken up only after he retired from service. The stale claims of this nature cannot be entertained.

6. The OA is accordingly dismissed. There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/