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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH. NEW DELHI

OA NO. 1364/2001

This the 16th day of August, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.A.T. RIZVI, MEMBER (A)

1. Mahipal Singh
S/o Shri Chhakkoo Singh
TGT Hindi
Govt. Boys Sr. Sec. School
Timarpur, Delhi-54.

R/o C-105, Delhi Admn. Flats
Sindhore Kalan
Delhi - 52.

2. N.R. Dudeja
S/o Late Shri Kaura RAM
TGT Punjabi
Govt. Boys Sec. School
Inderpuri, New Delhi-12.

R/o H-112, DDA Flats
Naraina Vihar
New Delhi- 28.

3. Ms. Saroj Kumari Kalra
D/o Shri S.N. Kalra
TGT, Hindi
Sarvodaya Kanya Vidyalaya
Timarpur, Delhi-54.

R/o 2/12E, Model Town
Delhi - 9.

..Applicants

(By Advocate: Sh. K.N.R.Pillai)

Versus

Govt. of NCT of Delhi
Through :
The Director of Education
Old Secretariat, Delhi-54.

..Respondent

(By Advocate: Sh. Ashwani Bhardwaj proxy for
Sh. Rajan Sharma)

O R D E R (ORAL)

By Sh. S.A.T. Rizvi, Member (A)

Applicants, 3 in number, in this OA were engaged as TGTs respectively on 25.9.72, 30.1.75 and 20.2.75. One of them had possessed the post graduate qualification in English in 1970. The other two came to acquire that qualification in 1979 and

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1981 respectively. Thus in terms of the recruitment rules as modified in February, 1996 they had become eligible for being considered for promotion to the post of PGT (English).

2. The short question to be determined in this case is whether the applicants could be considered for promotion during the relevant years on the basis of applications made for the purpose or on the strength of eligibility lists circulated by the respondents for vacancies arising year after year.

3. The aforesaid modified rules were modified once again to restore the pre-Feb 96 position. This was done in November 1999. Accordingly, the applicants herein were eligible for being considered for promotion to the post of PGT (English) in respect of vacancies relating to 1996-97, 1997-98, 1998-99 and part of the year 1999-2000. Learned counsel appearing on behalf of the applicants submits that as usual the applicants applied for being considered for promotion in respect of the vacancies of the aforesaid years but they have not been considered. In support of this contention, learned counsel has placed before us copies of formats of proformae for inclusion of name and proformae for objection filed by applicant No.1 in respect of the year 1996-97 and in respect of applicant No.3 for the same year 1996-97. He has also placed before us the format⁷proforma for objection filed by applicant No.2 also for the same year 1996-97. These documents are taken on record. Furthermore, we also find the copies of proforma¹ for inclusion of name in the eligibility list filed by applicant No.1 for the year 1999-2000. A similar proforma for the same year filed by applicant No.2 has also been placed on record. We also have on record an application dated May, 1999 filed by applicant No.3 bringing

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out her claim for promotion. In view of these documents, we are convinced that the present applicants had applied for promotion for the year 1996-97. In view of this, the objection raised on behalf of the respondents that they had not applied cannot be sustained. We do not find any reason to believe that the applicants have not applied for being considered for promotion in the subsequent years from 1997-98 onwards. It is thus beyond doubt in our view that the present applicants have been staking their claims for being considered for promotion as above year after year upto 1999-2000 (Nov.99).

4. From a bundle of papers placed before us by the learned counsel for respondents, we find that they have been following a definite procedure whereby in respect of each year they circulate a list of all the eligible teachers compiled on the basis of information available with the respondents, at the same time, asking for fresh applications from those who might have been left out at the time of compilation of the eligibility list. The present applicants having acquired post graduate degrees in English way back in 1970, 1979 and 1981 are not likely to have suppressed the aforesaid information by not supplying it to the respondents and, therefore, their names ought to have been included in the eligibility lists prepared by the respondents in respect of the aforesaid years. If the respondents could not take note of the post graduate qualification which as stated had already been acquired by the applicants, they should have considered the matter regarding the applicants' promotion in the light of the applications/promfoae filed by them year after year, and referred to in the previous paragraph.

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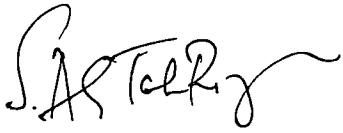
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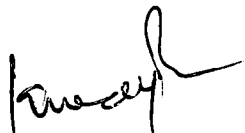
date his next junior was promoted. The aforesaid exercise will be completed by the respondents within a period of 3 months from the date of receipt of a copy of this order.

↓ allowed and ↑

7. OA is disposed of in the aforesaid terms. No costs.



(S.A.T. RIZVI)
Member (A)



(KULDIP SINGH)
Member (J)

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