## 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)

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

..Applicants

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)

## ORDER (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

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 eligiblity lists circulated by the respondents for vacancies arising year after year.
- The aforesaid modified rules were modified once again restore the pre-Feb 96 position. This was done in November 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 ususal the applicants applied for being considered for promotion in respect of vacancies of the aforesaid years but they have not considered. In support of this contention, learned counsel placed before us copies of formats of proformae inclusion of name and proformae for objection filed by applicant No.1 in respect of the year 1996-97 and in of applicant No.3 for the same year 1996-97. He has also placed before us the format\*proforma 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 proforma! for inclusion of name in the eligibility list filed by applicant No.1 for the year 1999-2000. 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

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).

From a bundle of papers placed before us by the learned 4. counsel for respondents, we find that they have been following definite procedure whereby in respect of each year 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 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 of respondents could not take note the post graduate qualification which as stated had already been acquired by the applicants, they should have considered the matter regarding promotion applicants' the ĭn light of the applications/promfomae filed by them year after year, referred to in the previous paragraph.

- 17
- If holding of a masters degree in English is all that is required to secure promotion after a given number of years in service, the official respondents should, in all fairness, call for qualification related information from the TGTs on each occasion before proceeding to hold DPC meetings and act on that basis, instead of requiring the TGTs to apply every year by a circular letter and that too on condition that applications are not received in time the claims of defaulting teachers will be ignored altogether. This apart, the respondents should have in place a procedure whereunder qualification related information keeps flowing on periodically from each TGT, to be made use of whenever promotions are made.
- 6. For all these reasons mentioned in the preceding paragraphs, we find merit and substance in the present OA which is allowed with the direction to the respondents to consider the applicant's claim for promotion as PGT (English) for the year 1996-97 in accordance with the modified recruitment rules issued on 26.2.96 by ignoring the subsequent amendment made on 4.11.99. If the applicants cannot be considered for the vacancies arising in 1996-97 in accordance with the rules, they shall be so considered for the subsequent year 1997-98 and thereafter for 1998-99 and if necessary again for 1999-2000 up to the date of enforcement of the revised rules on 4.11.99. If found fit, according to the rules, applicants will be promoted against the vacancies arising in any of the aforesaid years, and each one of them

18

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.

## 2 allowed and 2

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

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

KULDIP SINGH ; Member (J)

"sd"