

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

1. OA No. 1577/2001

2. OA No. 1608/2001

3. OA No. 1609/2001

New Delhi this the 30th day of July, 2001.

Hon'ble Mr. Govindan S. Tampi, Member (A)

Hon'ble Mr. Shanker Raju, Member (J)

OA-1577/2001

1. Sandeep
S/o Shri T.S. Panwar
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G.B.S.S.S. No.1 Kidwai Nagar
New Delhi 110 023
2. Ms. Sudha Batra
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3. Lalan Kumar Jha
T.G.T. Sanskrit
4. Rajeev Kumar Tyagi
T.G.T. Hindi
5. Ms. Sashi Manchanda
T.G.T. Sanskrit
6. Rajesh Kumar Jha
T.G.T. Sanskrit
7. Ms. Suman Lata
T.G.T. Sanskrit
8. Ms. Vandana
D/o Shri J.P.S. Chauhan
9. Ms Shashi Bala
T.G.T. Hindi
10. Ms. Asha Tokas
P.G.T., Pol. Science
11. Ms. Anuradha Dabas
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12. Ms. Sapana Vadhera
T.G.T. English
13. Ms. Neeru Ahuja
T.G.T. Maths

14. Ms. Ritu Sharma
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15. Ms. Omila Tomar
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16. Mr. Satya Prakash
P.G.T. Pol. Science

17. Ms. Sheetal Khanna
T.G.T. Maths

18. Ms. Chanchal Kumari Gupta
T.G.T. Hindi

19. Ms. Babita
T.G.T. Hindi

20. Ram Prakash
P.G.T. Pol. Science

21. Ms. Sunita Hooda
P.G.T. Pol. Science

22. Ms. Asha Rani Kaushik
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23. Rakesh Kumar Yadav
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24. Ms. Urmil Khurana
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25. Ms. Sunita Sharma
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26. Ms. Seema Kohli
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27. Ms. Uma Prakash
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29. Hamir Singh Dagar
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34. Ms. Nisha Agarwal
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35. Ms. Neetu Chaudhury
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36. Ms. Anshu Ahlawat
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37. Ms. Lalita Tewari
T.G.T. Sanskrit

38. Smt. Pusha Devi
T.G.T. Sanskrit

39. Ms. Anupama Jain
P.G.T. (N.Sc.)

40. Virender Singh
P.G.T. (Hindi)

41. Navneet Seth
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42. Ms. Archana Gupta
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43. Devender Chauhan
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44. Ms. Bimla Rawat
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45. Ms. Sanjay Kumari
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46. Ms. Jyoti Verma
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47. Ms. Arti Chawla
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48. Ms. Adarsh Dhama
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52. Ms. Pushpinder Kaur
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54. Ms. Vandana Jain
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60. Ms. Veena Garg
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62. Ms. Meenakshi Gupta
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63. Ms. Usha Sharma
T.G.T. (Maths)

64. Ms. Anita Sachdeva
T.G.T. (Maths)

65. Anil Kumar
T.G.T. (Hindi)

(10)

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66. Satinder Rana P.G.T. (Economics)	79 - Sonia Chahal P.G.T (Hindi)
67. Rakesh Kumar T.G.T. (Maths)	80 - Sandeep Isar T.G.T (Hindi)
68. Sunil Kumar Jha T.G.T. (Sanskrit)	
69. Ms. Mithlesh Kumari T.G.T. (Hindi)	81 - Urmila Isar T.G.T (Hindi)
70. Israr Ahmed P.G.T. (Pol. Sc.)	
71. Ms. Sunita Kumari T.G.T. (Sanskrit)	
72. Ms. Babita Rani T.G.T. (Maths)	
73. Ms. Alka Rani T.G.T. (Economics)	
74. Ms. Gurbinder Kaur T.G.T. (S.S.T.)	
75. Ms. Sumitra Devi T.G.T. (Hindi)	
76. Sunil Punia T.G.T. (English)	
77. Ms. Mukesh T.G.T.	
78. Rohit Kumar T.G.T. (Sanskrit)	

All C/o Sandeep R/o 161A, Gautam Nagar
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...Applicants

vs

1. Govt. of NCT of Delhi
through The Secretary (Education)
Old Secretariat
Delhi

2. The Director of Education
Govt. of NCT of Delhi
Old Secretariat
Delhi

3. The Delhi Subordinate Services Selection Board
U.T.C.S. Building
Shahdara
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80. Sandeep Asri
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83. Madan Mohan Roy
T.G.T. (SST)

84. Neetu Kapoor
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85. Rekha Garg
T.G.T. (SST)
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86. Sarabjit Kaur
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87. Shashi
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97. **Meenu chauhan**

98. **Rabia Praveen**

....Applicants

All c/o- **Mo. Archana Gupta, D/o-Nand Lal Ch.**
380, Deepali, Pitampura- Delhi-34.

vs

1. **Govt. of NCT of Delhi**
through The Secretary (Education)
Old Secretariat
Delhi

2. **The Director of Education**
Govt. of NCT of Delhi
Old Secretariat
Delhi

3. **The Delhi Subordinate Services Selection Board**
U.T.C.S. Building
Shahdara
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....Respondents

1. **Anju Rani**
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T.G.T. Social Science
GSS School Gokulpuri
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Sector 9, Rohini
New Delhi 110 085
2. **Madan Mohan Roy**
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3. **Neeru Kapoor**
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4. **Rekha Garg**
T.G.T. (SST)
5. **Sarabjit Kaur**
T.G.T. (English)
6. **Shashi**
T.G.T. (Hindi)
7. **Meenakshi Sharma**
T.G.T. (Hindi)
8. **Rekha Rani**
T.G.T. (Hindi)
9. **Meena Kumari**
T.G.T. (Hindi)
10. **Preeti Gulati**
T.G.T. (Maths)
11. **Rekha Sharma**
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12. **Saira**
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13. **Kavita Chaudhari**
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15. Jyoti Nanda
T.G.T. (Maths)

16. Meenu Chauhan

17. Rabia Puroo

....Applicants

All C/o - Anju Rani w/o S.S. Malik, R/o - 277, Kasturba Apartments, Sector - vs 9, Rohini, N.D. Delhi.

1. Govt. of NCT of Delhi
through The Secretary (Education)
Old Secretariat
Delhi

2. The Director of Education
Govt. of NCT of Delhi
Old Secretariat
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3. The Delhi Subordinate Services Selection Board
U.T.C.S. Building
Shahdara
Delhi

....Respondents

Applicants in all the three OAs by Advocate Dr. Surat Singh

Respondents in all the three OAs by Advocate Mrs. Avnish Ahlawat with Sh. Mohit Madan, Advocate.

JUDGMENT ORDER (ORAL)

By Mr. Govindan S. Tampi, Member (A):

This combined order disposes of three OAs viz. OA-1577/2001 filed by Sandeep and 80 others, OA-1608/2001 filed by Archana Gupta & 97 others and OA-1609/2001 filed by Anju Rani & 16 others. These OAs cover the same grounds and have been heard together with Dr. Surat Singh, learned



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counsel representing for the applicants and Smt. Avnish Ahlawat as well as Shri Mohit Madan, learned counsel appearing for the respondents.

2. The applicants seek to challenge the termination of the services of the applicants - who are PGTs and TGTs working in various schools under NCT - by regularly appointed Teachers as well as denial of benefits granted to regularly appointed Teachers, to the applicants. At the very outset, the learned counsel for the applicants was asked as to whether he or his clients still had a right of audience before this Bench in view of the fact that the issue relating to the continuation of the PGTs and TGTs under the Government of NCT of Delhi and grant of other benefits to them, has been decided by the Tribunal, which decision was modified by the Hon'ble High Court of Delhi, in December, 1999 and endorsed by the Hon'ble Apex Court. Number of other OAs filed before the Tribunal have also been dismissed against the applicants, taking a cue from earlier decision of the Tribunal and the order of the Hon'ble High Court of Delhi. Dr. Surat Singh replied that the circumstances had changed since then as NDMC had ordered regularisation of quite a few Teachers, similarly placed as the Teachers whose cases are now before us in the three OAs. He felt that the applicants had a cause of action, in spite of the fact that the issue has become res judicata and also as this Bench is expected to follow the decision of the coordinate Bench of this Tribunal which has been upheld by the High Court. After arguing for a

short-while Dr. Surat Singh stated that he proposed to withdraw the three OAs and seek to have them tied with the matter which is pending before the Hon'ble High Court of Delhi and which is posted for hearing on 28.8.2001.

3. At this point of time Smt. Avnish Ahlawat, the learned counsel for the respondents intervened stating that the OAs are not at all maintainable, as the applicants have not come to the Tribunal with clean hands and are guilty of suppression of material facts. It is only through such a ruse they were able to obtain an interim order in OA-1577/2001. However, as since the respondents could bring the proper facts to the notice to the Tribunal, while hearing OAs-1608 and 1609 of 2001, the interim relief was denied. Smt. Avnish Ahlawat points out that all these applicants are those who had come to the Tribunal earlier and had failed to make their case and the present exercise was being undertaken, totally suppressing the facts. (They are also persons who have been permitted to take the recruitment examination but failed to make the grade) Interestingly the three OAs are overlapping as far as applicants are concerned. OA No.1608/2001 has 98 applicants, out of whom 81 are in OA No.1577/2001 and 17 are in OA No.1609/2001. It is an attempt to mislead and embarrass the Court. It would also be observed that a few of the applicants had not been signed while in number of other cases, signatures of the same applicants differ widely, as they are obviously forged or fabricated. In view of the above, the applications which have been filed misleading the Tribunal, merit dismissal and that too with

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exemplary costs, argue Smt. Avnish Ahwalat and Shri Mohit Madan.

4. In reply Dr. Surat Singh expressed his unconditional regret for whatever has happened and stated that he leaves the matter in the hands of the Court for adjudication.

5. We have carefully considered the matter. As pointed out in the beginning itself we had noted that the issue regarding regularisation and continuation of the TGTs and PGTs working in the various schools under the Government of NCT had been agitated before this Tribunal. The Tribunal by its orders dated 7.5.99, 1.9.99 and 5.9.99 disposed of the OAs with specific directions. On appeal being filed against the same, on 20.12.99 the Hon'ble High Court of Delhi had passed orders, upholding the orders of the Tribunal but modifying the directions contained in clause 'B'. SLP filed against the order of the High Court has been dismissed by the Apex Court on 4.1.2001. Orders of the Tribunal thus stood merged in the orders of the Hon'ble High Court of Delhi and the Hon'ble Supreme Court. Thereafter, a few other OAs had been dismissed in the light of the above by Division Benches including the one in which one of us (Shri Govindan S. Tampi) was also a Member. That being the case, nothing remains to be done as far as these OAs are concerned. This Bench has to abide by the decisions of the coordinate Benches of this Tribunal, which have either been duly upheld by the Hon'ble High Court and

(A)

the Hon'ble Supreme Court or have followed them. Moreover, the same applicants are agitating the very same matter in new OAs under the plea that the circumstances have changed, when nothing of the kind has happened. The analogy which the learned counsel for the applicant was trying to bring out with the action taken by the N.D.M.C. has no legs to stand on. Besides, we notice a number of glaring mistakes. The O.A. is not signed by quite a few applicants while in a number of other cases, the same applicants have signed differently. Obviously the signatures have been manipulated or forged at some level before presenting the OAs. Thus, this was a clear attempt to mislead the Court and a shameless exercise in the abuse of the process of law. In the circumstances of the case, we find it difficult to believe that the learned counsel and his office had exercised due care and caution and expected of them before filing the necessary case papers. Still, in view of the unconditional apology tendered by the learned counsel at the Bar, we are, though reluctantly, dropping further proceedings by administering a note of caution and imposing cost on the applicants.

6. In view of the above, while dismissing all the three OAs as being totally devoid of any merit whatsoever we direct that the applicants shall pay a cost of Rs.9,000/- (Rupees three thousand only in each OA) to the learned counsel of the respondents. We hope this would send a message loud and clear to all who are similarly

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inclined to desist from embarking upon such exercises in futility and abuse of process.

(Shanker Raju)
Member (J)

'San.'

(Govindan S. Tampi)
Member (A)

Attested

Brijesh

6/8/2001

C-O

C-TV