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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2732/2001

This the 21st day of March, 2002

HON'BLE SH. V.K. MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

In the matter of :

Pramod Kumar
S/o Shri Yatindra Kumar,
aged about 53 years
R/o 61, Lane No.2,
Krishna Nagar,
DELHI-110029

And employed as :

Trained Graduate Teacher (Science),
Science Centre No.3,
Link Road,
Karol Bagh,
New Delhi - 110005.

...Applicant

(None)

Versus

1. Govt. of National Capital Territory of Delhi,
Through its Chief Secretary,
Indraprastha Sachivalya,
I.P. Estate,
New Delhi- 110002.
2. The Secretary (Health & Public Administration),
Government of National Capital Territory of Delhi,
5, Shyam Nath Marg,
DELHI.
3. The Director of Education,
Directorate of Education,
DELHI.

...Respondents.

(By Advocate: Sh. George Paracken and Sh. J.A. Chaudhary)

ORDER (ORAL)

By Sh. Kuldip Singh, Member (J)

We have heard the learned counsel for the respondents and proceeded to decide the case on merits on the basis of material available on record as the counsel for the applicant is not present.

2. Applicant has filed this OA seeking following reliefs:-

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(i) Direct the Respondents to consider him for placement in the senior scale after completion of 12 years of service with effect from 22nd March, 1988 followed by promotion as Post Graduate Teacher from the date his juniors were promoted on Next Below Rule basis with all consequential benefits like seniority, promotion, difference of arrears of pay and allowances etc., and all other benefits that may accrue to him along with such ante-dation of promotion with 18% interest till realization.

(ii) AWARD exemplary cost for this application with a further request to pass any other order/orders or direction/directions or grant any other relief/reliefs as deemed fit and proper in the light of the facts and circumstances of the case.

3. The allegations of the applicant are that he was appointed in the Department of Education, Delhi Administration as a TGT w.e.f. 22.3.76. Thereafter he joined the Department of Prevention of Food Adulteration as a Chemist on deputation in 14.10.95. While he was serving in the Department of Food Adulteration, certain promotions were given to the Teachers who were junior to him. Applicant then made a representation that he should also have been given a promotion and also have filed an OA wherein he had made alternate prayers either he should be absorbed in Department of Food Adulteration or else he should be given promotion on the Next Below Rule and he should be made PGT. That OA was rejected vide order dated 25.1.95 but the respondents did not take any action to revert the applicant to his parent department.

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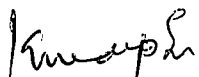
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4. The applicant further alleges that during the intervening period of deputation, the department has promoted a number of juniors without considering the name of the applicant to the post of PGT. Thereafter he filed another OA No. 932/97 seeking issuance of directions to respondents to treat the applicant as regular appointee on transfer basis or in the alternate to promote them to the next higher rank from the date from which their juniors were promoted. This OA was also dismissed. But while dismissing the OA, Tribunal has made an observation that the applicants could not have come to the Directorate of Prevention of Food Adulteration on transfer basis and factually also they did not come to the borrowing department on transfer basis. The alternate relief sought for by them can be availed only after repatriation. Thereafter, applicant had made a representation to the respondents requesting for seniority and to promote him to the post of PGT from the date of promotion of his immediate juniors under Next Below Rules basis, alongwith arrears of pay and allowances and interest @ 24% till date of realization. But the respondents did not decide the said representation, so the applicant has filed this OA. His representation regarding promotion under the Next Below Rules is still not disposed of by the department.

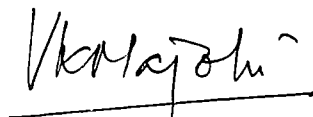
5. So it would be in the interest of justice if we direct the respondents to consider the representation dated 11.7.99 addressed to the Chief Secretary requesting for fixation of seniority and promotion to the rank of PGT (Annexure A-11). Respondents shall dispose of the representation by passing a reasoned and speaking order as per instructions and rules on the subject within a period of 2 months from the date of



receipt of the copy of this order. In case any grievance survives the applicant will be at liberty to agitate. No costs.


(KULDIP SINGH)
Member (J)

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(V.K. MAJOTRA)
Member (A)