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Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 3119/2001

New Delhi this the 13th day of November 2001

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Kuldip Singh, Member (J)

1. Shri Vir Singh
S/o late Shri Dal Chand,
R/o 281, Type III, Sector I,
Sadiq Nagar, New Delhi-110049.
2. Shri Jai Singh
S/o Shri Amar Singh
R/o House No. 265, Gali No.1
Bhola Nath Nagar, Shahdara,
Delhi-110032.
3. Shri Jai Pal Sharma
S/o late Shri Kanshi Ram,
R/o Qr. No. 112/224, Double Storey,
Seelampur Market, Delhi-110053.
4. Shri Richpal Singh
S/o late Shri Kishan Singh
R/o Vill. & P.O. Dallupura,
Delhi-110096
5. Shri Dhani Ram
S/o Shri Pirbhu Dayal,
R/o 272/18, Khandasa Road,
Gurgaon, Haryana

-Applicants

(By Advocate: Shri D.R. Roy)

Versus

1. Union of India
through Secretary (Education),
Govt. of NCT of Delhi,
5, Sham Nath Marg, Delhi-54.
2. Director (Education),
Govt. of NCT of Delhi,
Old Secretariate Building,
Delhi-110054.

-Respondents

ORDER (Oral)

By Shri V.K. Majotra, Member (A)

MA-2522/2001 for joining together is allowed.

2. Learned counsel stated that all the five
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applicants, herein, who are working as Life Guards in the Swimming Pools of various Schools of Government of NCT of Delhi, are presently being paid in the scale of Rs. 5500-175-9000 effective from 1.1.1996. The applicants have assailed Annexure A-1 dated 19.10.2001 whereby the Directorate of Education has sought relevant information regarding the Life Guards from the School Principalsth so as to fix their pay. In the foot-note, orders for recovery of excess amount paid to one Life Guard namely, Shri Anand Swaroop apparently on account of his placement in the lower scale of Rs. 5000-8000 have been issued. The applicants also apprehend their placement in the lower scale of Rs. 5000-8000 and consequential recovery of excess amount paid to them for the last about 5 years. They have sought a direction to the respondents not to withdraw the grade of Rs.5000-175-9000 of the applicants so that they are continued payment in the said scale. They have also sought a direction to treat the Life Guards (applicants) as 'Assistant Coach' in practice and pay them allowances and medical as allowed to coaches and other teaching staff under the respondents.

3. In our view, after going through Annexure A-1, the applicants have a genuine apprehension that they would be placed in a lower grade of Rs. 5000-8000 on information to be supplied by the respective Principals as they appear to have resorted to in the case of one Shri Anand Swaroop, Life Guard.

Wb

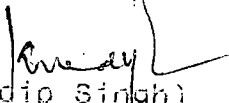
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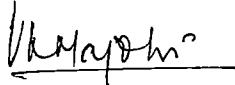

even without issuing notice,

4. In our view, ends of justice will be duly met if the respondents are directed that in case they intend to take a similar action in the case of the applicants as in the case of Shri Anand Swaroop, Life Guard, they may do so after issuing a show cause notice to these applicants.

5. As regards relief sought in respect of allowances as allowed to coaches and other teaching staff under the respondents, some of the applicants had filed OA No. 2507/99 which was disposed of vide order dated 17.4.2001 whereby the respondents were directed to consider the applicants' claim by treating that OA as a representation and pass a speaking, detailed and reasoned order within a period of three months from the date of receipt of a copy of that order. Annexure A-4 dated 27.7.2001 is an order passed by Directorate of Education in compliance of Tribunal's above stated order whereby it was decided on consideration of the demands of Life Guards as contained in representation/OA No. 2507/99 for extending them teacher's benefits *as b* not tenable. The applicants have not challenged Annexure A-4 before us. Therefore, the question of considering relief relating to allowances as paid to coaches and other teaching staff does not arise in the present OA.

6. This OA is disposed of in the above terms in limine. No costs.


(Kuldeep Singh)
Member (J)


(V.K. Majotra)
Member (A)

cc.