

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 847/2001

New Delhi, this the 20th day of September, 2001

HON'BLE Sh. V.K.Majotra, Member (A)
HON'BLE Sh. Kuldeep Singh, Member (J)

In the matter of:

Shri R.L. Sharma,
S/o ShriThan Singh Sharma,
R/o 144, Najafgarh Road,
Nagloin,
Delhi -41.

(By Advocate: Sh. D.R.Gupta)

...Applicant

Versus

1. Govt. of National C.T. of Delhi,
through its Chief Secretary,
I.P. Estate,
New Delhi.

2. Director of Education,
Govt. of NCT of Delhi,
Old Sectt.,
Delhi.

3. Dy. Director of Education,
Distt. N.W. (B), FU, Pitampura,
Delhi.

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

O R D E R (ORAL)

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

The applicant was a PGT under the Government of N.C.T. of Delhi. He had been holding the post of Lecturer T.G.T. since 28.10.80. His name was omitted from the regularisation and the seniority list during the period 1970-1975 and 1976-1990. His name was included in the P.G.T. seniority list vide Corrigendum dated 22.11.2000. He was allotted seniority No. 92A in the seniority list of 1976 to 1990. He had been functioning as Lecturer (PGT). It is alleged that persons junior to him have been functioning promoted as Vice-Principal since 1999. The applicant has sought that respondents should convene review DPC to consider his claim for promotion to the post of Vice Principal w.e.f. 19.3.99, i.e., the date when the applicant's junior was promoted without considering the

claim of the applicant. Learned counsel for the applicant drew our attention to Annexure dated 15.5.2001 attached with the rejoinder which is a promotion order for the post of Vice Principal in the pay scale of Rs.7500-12000. Learned counsel states that first 6 persons in the list of those promoted on 15.5.2001 as Vice Principal are stated to have been given assumed promotion w.e.f. 19.3.99. Learned counsel states that whereas Sh. Har Bhagwan and Sh. Prabhu Dayal who were at Sl. No.47A and 252A in the seniority list have been shown in the promotion list at Sl.1 and 2, respectively, the applicant's name likewise should have appeared after the name of sh. Har Bhagwan and before the name of sh. Prabhu Dayal and he should also have been accorded promotion to the post of Vice Principal w.e.f. 19.3.99 on the basis of assumption as in their case. The applicant has, in the meanwhile, retired on 30.4.2001.

2. Learned counsel for the respondents admitted that the applicant had been placed at Sl. No.92A in the seniority list of P.G.T. for the period 1976 to 1990. The promotion list for P.G.T. to Vice Principal was made by order dated 19.3.99. However, since at that time the applicant was not regularised on the post of P.G.T. he was not included. However, in the DPC held on 23.4.2001 on the basis of which promotion order dated 15.5.2001 was issued, the case of the applicant was also considered but he was not accorded promotion as he had already retired.

3. From the order dated 15.5.2001 we find that Sh. Har Bhagwan, Sh. Prabhu Dayal and four others had been promoted with retrospective effect w.e.f. 19.3.99 on the assumption basis. If in the case of Sh. Har Bhagwan, Sh. Prabhu Dayal

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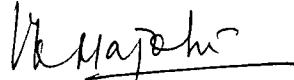
and 4 others the actual taking over of charge on 19.3.99 was not made the basis of the promotion ordered on 15.5.2001, we do not find any reason why the applicant could not have been accorded promotion retrospectively and similarly, on the assumption basis provided that recommendations favouring the applicant for promotion to the post of Vice Principal was there in the DPC minutes. In this view of the matter we consider expedient and just to direct the respondents to consider the applicant for according promotion on assumption basis like his junior w.e.f. 19.3.99 in case he had been recommended by the DPC held on 23.4.2001 for promotion to the post of Vice Principal. He shall also have consequential benefits including revision of pension, retiral benefits in case of promotion.

4. OA is accordingly allowed. No costs.


(KULDIP SINGH)

Member (J)

'sd'



(V.K.MAJOTRA) 20.9.2001
Member (A)