

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(JS)

O.A.NO.910/2001

Monday, this the 29th day of July, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Sh. Maya Ram PGT (Pol.Science)
Office: Posted at Veer Chand Garhwali
Sarvodaya Boys Sr. Sec. School,
1 Block, Saket, New Delhi

R/o H.No.118-H, Sect. 4 Pushp Vihar
Malviya Nagar, New Delhi

..Applicant

(By Advocate: Shri Surat Singh)

Versus

1. Lt. Governor Delhi Administration
through Secretary (Education)
Old Secretariat Delhi
2. Director of Education
Directorate of Education
Govt. of NCT of Delhi
3. Shri A.R. Bohot
PGT (Pol.Science)
Posted in Govt. Boys Sr. Secondary School
Bakatawarpur, Delhi
4. Shri Sarwan Lal
PGT (Pol.Science)
Govt. Boys Sr.Sec. School
Sarai Rohilla, Delhi
5. Shri Bhooley Singh
PGT (Hindi) IIInd Shift
Govt. Boys Sr.Sec. School
Rani Bagh, Delhi

..Respondents

(By Advocate: Shri Vimal Rathi for Shri Rajan Sharma)

O R D E R (ORAL)

Shri S.A.T. Rizvi:

We have heard the learned counsel on either side.

2. The applicant was appointed as TGT on 8.2.1974 and has thereafter been promoted as PGT w.e.f. 29.9.1986. According to the learned counsel appearing on his behalf, the applicant ought to have been promoted instead w.e.f. 19.3.1986 which is the date with effect

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from which his juniors have been so promoted. He has drawn our attention to the seniority list for the post of TGT which is the feeder cadre for the post of PGT. The same is placed at A-7. The applicant has been shown therein as senior to Shri Anant Ram Bahot by five places. In the said list, Shri Anant Ram Bahot has been shown as having been appointed in the post of TGT w.e.f. 28.11.1974, whereas the applicant has been shown to have been appointed in that post, as already stated, w.e.f. 8.2.1974. No other private respondent finds place in this seniority list. In the final seniority list for the post of Lecturer (PGT) issued on 10.2.1999 (A-2), the applicant has been shown at Sl.No.1068, whereas the aforesaid Shri Bahot has been shown as senior to him and has been placed at Sl.No.887. In this list, the applicant's date of appointment as PGT has been shown as 29.9.1986, whereas that of Shri Bahot has been shown as 19.3.1986.

3. The learned counsel appearing on behalf of the applicant submits that for filling the vacancies for the year 1985-86, different cut-off dates were fixed for general category candidates and for SC/ST candidates. According to him, for the latter, the cut-off date indicated was 30.9.1985. This assertion made in the OA has not been disputed in the reply filed by the respondents. For promotion to the post of PGT, the applicant was required to hold a Masters Degree before the cut-off date. He passed his M.A. examination in June, 1985 and applied for promotion by registered post on 19.7.1985, i.e., before the cut-off date. He should,

therefore, have been considered, according to the learned counsel, for promotion against one of the vacancies for the year 1985-86, and being senior to the aforesaid private respondent (Shri Bahot) as TGT, his seniority in the post of PGT should have been maintained. In the circumstances, according to the learned counsel, the applicant has been wrongly shown as junior to the aforesaid private respondent in the final seniority list issued on 10.2.1999 (A-2).

4. From the pleadings placed on record on behalf of the respondents, it appears that the applicant has been treated as a general category candidate and, therefore, his case for promotion has been decided with reference to the cut-off date of 30.4.1985. Going by the aforesaid date, the respondents cannot be said to have committed a mistake, if only the applicant had been a general category candidate. The parties agree that the applicant is a SC category candidate. That being so, his case for promotion should have been decided with reference to the other cut-off date of 30.9.1985.

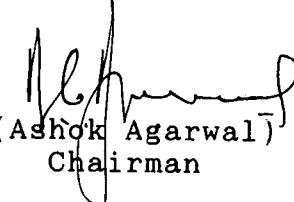
5. In the circumstances, we find that the interest of justice will be duly met by disposing of this OA with a direction to the official respondents to consider the matter in the light of the above-mentioned observations and to pass a reasoned and a speaking order in the matter of grant of seniority to the applicant from the date his junior was promoted. This shall be done within a period of two months from the date of receipt of a copy of this order. We direct accordingly. *sd*

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6. The present OA is disposed of in the aforesated terms.


(S.A.T. Rizvi)
Member (A)

/sunil/


(Ashok Agarwal)
Chairman