

## CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 1046/99New Delhi: this the 24<sup>th</sup> day of August, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. Sh. Sohanbir Singh (TGT SC.B), Seniority No. 1551, posted in GBSSS DDA flats, East of Loni Road (Distt. North East), Delhi-93
2. Sh. Krishan Pal Singh (TGT SC B), Seniority No. 1504, posted in G.B.S.S.S Gokalpur Village, (Distt. North East) Delhi-94.
3. Sh. Harpal Singh (TGT Skt) Seniority No. 737, posted in G.B.S.S.S -D Block, Nandnagar, (Distt. North East) Delhi-93
4. Smt. Meenu Dutta (TGT SC.B), Seniority No. 1293, posted in SKV DDA flats, East of Loni Road (Distt. North East), Delhi-93.
5. Sh. Nareshpal (TGT Skt), Seniority No. 684, posted in GBSSS West Jyoti Nagar, (Distt. North East) Delhi-94
6. Sh. Raj Kumar Sharma (TGT SC), seniority No. 1566, posted in GBSSS Gokalpur Village (Distt. North East) Delhi-94
7. Sh. Dharampal Singh (TGT-Skt) Seniority No. 709, posted in GBSSS-B Block, Nand Nagari, (Distt. North East), Delhi-93.
8. Smt. Usha Malik (TGT) seniority No. 1081, working in GBSSS Dilshad Garden, (Distt. North East), Delhi.

.....Applicants.

(By Advocate: Shri U.S. Chaudhary)

Versus

1. Director of Education,  
Govt. of NCT of Delhi,  
old Secretariat,  
Delhi.
2. Dy. Director of Education,  
Distt. North East,  
Yamuna Vihar,  
Delhi-53
3. Govt. of NCT of Delhi,  
through its Chief Secretary,  
5, Sham Nath Marg,  
Delhi.
4. Union of India  
through Secretary,  
Ministry of Human Resources,  
Development,  
New Delhi.

..... Respondents.

(By Advocate: Shri A. Bhardwaj, proxy for  
Shri Rajan Sharma.)

ORDER

Mr. S. R. Adige, VC (A):

Applicants seek a direction to respondents to remove the anomaly regarding their salary vis-a-vis that of their juniors, and also for their <sup>earlier</sup> up to the date of pay fixation.

2. Specifically it is contended that applicants 3 and 7 are being paid less than one Shri Mahindra Pal who is their junior; applicants 1, 2 and 6 are being paid less than one Shri Udai Vir Singh their junior; and applicants 4 and 8 are being paid less than one Mrs. Bharati Saxena their junior.

3. These assertions have been denied by respondents in para 4(13) (A), (B) and (C) supported by figures giving particulars of pay drawn, which has not been specifically rebutted by applicants.

in their rejoinder. Instead in the corresponding para of the rejoinder it has been contended thus

Applicants simple case is that they should not get lesser salary than their juniors. Non-joining by the applicants in due course by ~~applicants~~ has been due to illegal action of respondents in quashing their panel and the said action has been struck down being illegal by the Hon'ble Tribunal and Hon'ble Supreme Court of India. Therefore the applicants cannot be made to suffer for the illegal action of respondents. Hon'ble Supreme Court had protected the seniority of the applicants as per their ranks in the select panel over the persons appointed during the pendency of the proceedings. In fact denial of applicants' claim for a salary not less than their juniors renders the Hon'ble Supreme Court's orders infructuous which is impossible in law or otherwise.

4. Applicants have not succeeded in establishing through their pleadings in the present OA that their salaries as shown in paras 4(13), (A), (B) and (C) of respondents' reply, has resulted in the Hon'ble Supreme Court's order being rendered infructuous. If they have any grievance in this regard, it is open to them to file a fresh OA in this matter, after laying a proper foundation in respect of their grievance.

5. Giving liberty to applicants as aforesaid the OA is disposed of. No costs.

*Kuldeep*  
( KULDIP SINGH )

MEMBER (B)

*Amalg.*  
( S.R. ADIGE )  
VICE CHAIRMAN (A).