

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 2391/99

New Delhi this the 7th day of August, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. V.K. Majotra, Member (A)

Mrs. Kunti Devi Kashyap,  
W/o late Surender Nath Kashyap,  
R/o House No. 119, Karkaduma,  
Delhi-91.

...Applicant

(By Advocate: Shri S.K. Das)

Versus

1. Govt. of NCT of Delhi,  
through its Chief Secretary,  
Old Secretariate, Sharnath Marg,  
Delhi.
2. Director,  
Directorate of Education,  
Old Secretariate,  
Delhi-54.
3. Sri Nathu Singh,  
Addl. Secretary, Directorate of Education,  
Old Secretariate, Delhi-54.
4. Deputy Director Education (East)  
Rani Garden Delhi.

...Respondents

(By Advocate: Shri Harvir Singh)

ORDER (Oral)

By Justice Ashok Agarwal, Chairman

By the present OA, applicant as amongst  
others has made the following prayers:-

"i) the respondents may be directed  
to give the applicant promotion from  
the date on which her juniors and  
other similarly situated PGTs were  
considered and promoted to the post  
of vice-principal on regular basis.

ii) the respondents may be directed  
to count the ad-hoc promotion period  
of the applicant of three years  
beginning from 1.8.96 towards  
seniority on the post of  
vice-principal.

*De. A.*

iii) the respondents may be directed to give the applicant the pay-scale of vice-principal for the period 19.3.1999 till the date of her promotion on regular basis during which the applicant has actually worked as and discharged the function of the vice-principle".

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2. As far as the first prayer is concerned, pending the OA, respondents have passed the order dated 3.3.2000 granting applicant promotion w.e.f. 19.3.99 instead of 5.8.99 which was the earlier order passed at Annexure A-1 whereby applicant had been granted promotion w.e.f. 5.8.99. The first prayer contained in the present OA has now been granted. As far as the second prayer is concerned, the same has also been granted by virtue of order passed on 3.3.2000 in OA 1241/97. A copy of the aforesaid order is annexed at Annexure A-5 whereby the appointments made on ad hoc basis has been quashed. The only prayer now survives for consideration is one containing prayer Clause-iii which seeks grant of pay scale of vice-principal for the period 19.3.99 till the date of her promotion on regular basis i.e. for the period from 19.3.99 the date from which the applicant was appointed as vice-principal <sup>on ad hoc basis</sup> till 22.9.99 when she was promoted on regular basis. Applicant has produced for our perusal the Attendance sheet as also the relieving order for the intervening period for showing that during the aforesaid period she has actually worked as vice-principal.

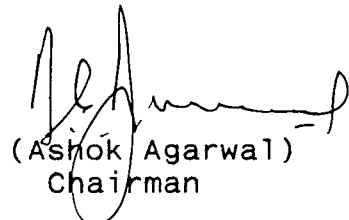
3. In our judgement, having regard to the aforesaid attendance sheet and the relieving order, we find that the claim of the applicant is similar to the claim raised by one Shri B.D. Anil and Another in OA

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No. 1115/99 wherein by a judgment in order of 25.11.99 applicants have been granted the pay scale of vice-principal during the intervening period. Applicant vide order dated 3.3.2000 has been granted promotion w.e.f. 19.3.99. Applicant has in fact worked as vice-principal during the intervening period. In the circumstances, we hold that the applicant will be entitled to the pay scale of vice-principal during the period 19.3.99 to 22.9.99. Learned counsel appearing on behalf of the applicant states that applicant had been paid full salary of vice-principal upto June 1999. For the months of July, August and September, 1999 applicant has received salary of vice-principal. However, the same is at the minimum scale of Rs. 7,500/- whereas she is entitled to the pay scale of Rs. 10,500/-. In our judgment, if applicant has received salary upto June 1999 in the scale of Rs. 10,500/- there can be no valid justification in paying her salary for July, August and September 1999 at a reduced pay scale of Rs. 7,500/-. Respondents are, in the circumstances, directed to pay the applicant the difference in salary between 7,500/- and 10,500/- for the period July, August and September 1999. This is being paid over within a period of three months from the date of service of this order. Present OA is allowed in the aforesaid terms. No order as to costs.



(V.K. Majotra)  
Member (A)

  
(Ashok Agarwal)  
Chairman

cc.