

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 257 of 1999

New Delhi, dated this the 21st day of March, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Jai Prakash,
S/o Shri Sita Ram,
WZ-525, Nangal Raya,
New Delhi-110046.

.. Applicant

(Applicant in person)

Versus

Government of NCT of Delhi,
through
Chief Secretary,
Government of NCT of Delhi,
5, Sham Nath Marg,
Delhi-110006.

2. The Director of Education,
Directorate of Education,
Old Secretariat,
Delhi.

.. Respondents

(By Dept. Repr. Shri Uma Shankar)

ORDER (Oral)

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

Applicant seeks reliefs contained in Paragraph 8
of the O.A.

2. We have heard applicant who argued his case in
person. Shri Uma Shankar, Departmental Representative
appeared on behalf of Respondents.

3. Applicant has contended that although the case
of respondents is that male teachers and female teachers
are appointed separately, and are also promoted in
their own streams, one Smt. Renu Sharma has been
working in Boys School as PGT since 1996, which indicates
that there were vacancies for male PGTs since 1996 but

despite that applicant was not promoted as PGT. (9)

4. Respondents draw attention to the corresponding para of reply to the O.A. and concede that Smt. Renu Sharma was posted as PGT (Physics) in Boys School but state that it was merely an adjustment and they further state ^{that} she was immediately posted in Girls School thereafter as a result of which the anomaly was removed. They state that posting of female teachers in a Boys School and vice versa ^{is} ~~are~~ not a regular feature but was an exception and as there were 7000 PGTs and 30,000 TGTs working in the Directorate of Education, such instances of maladjustment are very small.

5. Applicant has further drawn our attention to respondents' order dated 8.12.97 (Annexure A-12) by which promotions of S/Shri Babu Ram Sharma, Balbir Singh Rana, Keshav Dev Tayal and Rajender Singh were made to PGTs (Physics) on ad hoc basis w.e.f. 1997, although applicant states that they are junior to him. Applicant has further invited our attention to that portion of aforesaid order, by which applicant's promotion to PGT (Physics) was held up because of the non-availability of complete ACRs, vigilance clearance and work and conduct report. He states that he cannot be held responsible for the same. He further states that he was promoted as PGT (Physics) only in 1998.

6. It is clear that merely because complete ACRs, vigilance clearance and work and conduct report were not made available to the competent authorities at the appropriate time, cannot be a ground to deny a Govt. employee consideration for his promotion. Government employees are not the custodians of such documents and it was the responsibility of those concerned to ensure

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that the aforesaid documents were made available to the appropriate authorities to enable applicant's case to be considered. 10

7. In the result, we dispose of this O.A. with the following directions:

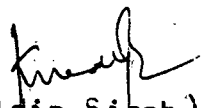
(i) Respondents will ascertain whether


S/Shri Babu Ram Sharma, Balbir Singh Rana, Keshav Dev Tayal and Rejender Singh are junior to applicant as contended by him but despite being junior were promoted as PGT (Physics) on ad hoc basis w.e.f. 1997, and if so, consider applicant's case also for promotion as PGT (Physics) on ad hoc basis with effect from the date his juniors were promoted, and in accordance with rules and instructions on the subject. For this purpose the non-receipt of applicant's ACRs, vigilance clearance and work and conduct report by the competent authorities will not be considered a ground sufficient to disregard applicant's claim for consideration for promotion as PGT (Physics) on ad hoc basis with effect from the date the abovementioned persons who ^{he claims his} ~~were~~ juniors were promoted, and respondents will take appropriate steps to procure them same.

(ii) A detailed, speaking and reasoned order will be passed by respondents in accordance with rules and instructions on direction (i) above. If upon such consideration applicant is promoted he will be entitled to all consequential benefits flowing therefrom.

(i) These directions should be implemented as expeditiously as possible and preferably within three months from the date of receipt of a copy of this order, subject to vacation of stay order said to have been passed in T.R. Dahiya's case.

(iv) No costs.


(Kuldip Singh)
Member (J)


(S.R. Adige)
Vice Chairman (A)

/GK/