

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

1) O.A.No. 332/99

New Delhi: this the 3rd day of December, 1999

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

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

Shri S. C. Sharma,
S/o Shri Asha Ram Sharma,
R/o F-18/34, Sector-VIII,
Rohini,
Delhi-110085

... Applicant

Versus

Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi

... Respondent.

2) O.A.No. 996/99

Shri Rama Kala,
S/o Shri Ram Nath,
R/o Village & PO Maidangarhi,
New Delhi -0068.

2. Smt. Chandrakanta Ahuja,
W/o Late Shri N.P. Ahuja,
R/o 5326, Hardiyani Singh Road,
Karol Bagh,
New Delhi -0005.

3. Smt. Santosh Chaudhary,
W/o Late Shri A.S. Chaudhary,
R/o Flat No. C-9/72,
Sector VIII, Rohini,
New Delhi -0085

... Applicants.

Versus

Director,
Directorate of Education,
Govt. of NCT of Delhi

... Respondents.

Advocates:

For Applicants: Shri George Parackal

For Respondents: Shri Bhaskar Bhardwaj.

ORDER

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

As these two OAs involve common questions of

(a)

law and fact, they are being disposed of by this common order.

2. Applicants seek a declaration that their pay in the common cadre of senior Grade Teachers cannot be different and they are also entitled to the higher scale of pay of PGT(Drawing) from the date others in the same grade have been promoted and granted the higher scale. They also seek a direction to respondents to give them the benefit of the judgment in CJP -1312/73 (T-75/85) and promote them as PGT.u.e.f. 3.1.74.

3. We have heard applicants' counsel Shri Paracken and respondents' counsel Shri B. Bhardwaj.

4. Shri Paracken states that this case is fully covered by the Tribunal's order dated 2.6.98 in OA No.2423/96 Shri Ram Dhan & another Vs. L.G. Delhi & others, and an identical OA bearing No.2577/97 Shri V.D. Vashistha Vs. Director, Dept. of Education, Govt. of NCT & Delhi has also been allowed by order dated 31.7.98.

5. Shri Bhardwaj has raised the objection of limitation and contends that the Tribunal's order in Ram Dhan's case (Supra) does not give applicant a cause of action. Reliance in this connection is placed on CAT PB order dated 6.9.99 in OA No.1794/94 Smt. Krishna Bhatia Vs. Govt. of NCT of Delhi.

6. We have considered the matter carefully.

(b)

(P)

7. It is not denied that the reliefs prayed for by the applicants in these two OAs were granted to similarly placed individuals by judgment dated 2.6.98 in OA No.2423/96 Ram Chan & Mr. Vs. L.G.Delhi & Ors. & connected cases which itself refers to several earlier judgments. While allowing these OAs, the Bench in its judgment dated 2.6.98 also considered the question of limitation. Nothing has been shown to suggest that the aforesaid judgment dated 2.6.98 has been stayed, modified or set aside.

8. Again by Tribunal's order dated 31.7.98 in OA No.2577/97 V. D. Vashista Vs. Director, Dist. of Education, Govt. of NCT of Delhi, respondents were directed to extend to applicants the benefits granted to the applicants in Ram Chan's case (supra). As regards the date from which the benefits would accrue to applicants, we find from Para 14(i) of the judgment in Ram Chan's case (supra) that respondents were directed to give these applicants the benefits of the judgment in CJP-1312/73, and give them promotion on provisional basis from the date persons junior to them were promoted in 1973-74 i.e. 3.1.74 but payment of actual arrears would be confined to one year prior to filing of the OA. In the present OA also we direct accordingly, noting that OA No.332/99 was filed on 10.2.99 and OA No.996/99 was filed on 28.4.99.

9. These 2 OAs are disposed of in terms of para 8 above. No costs.

10. Let a copy of this order be placed on each of OAs' record.

Handwritten
(KULDIP SINGH)
MEMBER(J)

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