

Central Administrative Tribunal, Principal Bench

Original Application No. 1937 of 1998
M.A.No.1166/2001

New Delhi, this the 31st day of January, 2002

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

1. Shri T.R. Dahiya
s/o Shri Kahar Singh
Aged about 57 years
r/o A-125, Majlis Park
Azadpur, Delhi-33
and working as TGT(General), presently
posted at Co-Ed. Sr. Sec. School
Mukhmalipur, Delhi
 2. Dr. Johri Lal
s/o late Shri Mutsatti Lal
aged about 55 years
r/o V.I.I. & P.O. Badali, Delhi-42
and working as Language Teacher Hindi &
Sanskrit, presently posted at GBSSS, 'D' Block,
Jahangirpuri, New Delhi
- Applicants

(By Advocate: Shri S.S. Tiwari)

Versus

1. Govt. of NCT of Delhi, through
Chief Secretary,
Govt. of NCT of Delhi
Raj Niwas Marg, Delhi
 2. The Director(Education)
Govt. of NCT of Delhi
Old Sectt, Delhi
 3. Additional Director of Education(Adm)
Govt. of NCT of Delhi
Old Sectt, Delhi
 4. Deputy Director of Education(Adm)
Estt. II Branch
Govt. of NCT of Delhi
Old Sectt, Delhi
- Respondents

(By Advocate: Shri Mohit Madan, proxy for Mrs. Avnish Ahlawat)

O R D E R (ORAL)

By Mr. V.K. Majotra, Member(A)

Heard Shri S.S. Tiwari, learned counsel of the applicants and Shri Mohit Madan, proxy counsel for Mrs. Avnish Ahlawat, learned counsel of the respondents.

2. Through this OA, the applicants have challenged inaction of the respondents in not giving them the extension of the benefit of the judgement of Hon'ble Supreme Court in the matter of K.C.Gupta vs. Lt.Governor of Delhi rendered on 16.8.94. The association of the applicants had made a representation on 26.6.97 requesting the respondents to give them the benefit of the said judgement but they have not yet accorded the sought for benefit. Vide memorandum dated 17.7.95, respondents had fixed certain ratio between TGTs of Administration Cadre and TGTs (Higher) of Special Cadre on the basis of their strength as on 30.4.70. By a subsequent corrigendum dated 4.8.95 (Annexure 'C'), respondents had stated that the ratio fixed in the memo dated 17.7.95 be treated as deleted and the same would be fixed later on. At the time of filing this OA, it seems that ratio between the administrative cadre and special cadre had not been fixed but the ratio mentioned in memo dated 17.7.95 was used for regularising the PGTs in accordance with the directions of the Hon'ble Supreme Court.

3. Learned counsel of the applicants Shri S.S.Tiwari stated that applicants have filed an amended application on 24.4.2001 impugning an order dated 7.6.2000 passed by Directorate of Education whereby the corrigendum dated 4.8.95 issued for deleting the second part of memo dated 17.7.95 for promotion in respect of teachers appointed after 30.4.70 of Administrative Cadre and Special Cadre, was withdrawn from the due date and accordingly the ratio fixed vide memo dated 17.7.95 in compliance of the

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directions of the Hon'ble Supreme Court of India dated 16.8.94 in the matter of Shri K.C.Gupta & ors., was restored. In the amended OA, applicants have also challenged order dated 9.6.2000 on the ground that ratio for the year 1995-96 onwards was fixed on the basis of strength of each cadre in respect of teachers appointed after 30.4.70. In this connection, the learned counsel had filed an M.A.1166/2001 on 2.5.2001 i.e. after the filing of amended OA dated 24.4.2001. The aforesaid M.A. has not yet been allowed and no permission has been accorded to amend the OA. The applicants have also not filed the Bench copy of the amended OA.

4. In our view, it is appropriate that instead of considering the M.A.1166/2001 at this stage, whereas this OA should be disposed of, the applicants should be given liberty to file a fresh OA for impugning the orders dated 7.6.2000 and 9.6.2000 including the claims raised in the present OA within a period of two weeks from now as application for amending the OA was made within the limitation taking into account the dates of the orders sought to be impugned. It is ordered that if the OA is filed within the period as stated above, the fresh OA will be entertained despite any objection to limitation, if raised.

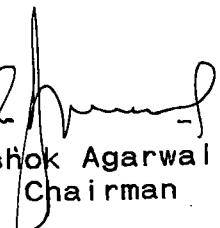
5. Interim order dated 31.5.2000 whereby the earlier interim order dated 2.12.99 was modified to the effect that while respondents may be permitted to make further promotions/regularisation as PGT pursuant to their

memo dated 17.7.95, such promotions would be subject to the outcome of the OA and meanwhile two promotional vacancies could be kept available for consideration of the promotion of two applicants in the OA. It is directed that two promotional vacancies shall be kept available for consideration of promotion of the two applicants for a period of two weeks from now. O.A. is disposed of in the aforesated terms.



(V.K.Majotra)
Member(A)

/dkm/



(Ashok Agarwal)
Chairman