

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1528/95 with 1749/95, 651/96 and 2181/97

New Delhi, this 29th June, 1999

HON'BLE SHRI JUSTICE V. RAJAGOPALA REDDY, VC(J)
HON'BLE SHRI S.P. BISWAS, MEMBER(A)

1. R.P. Gupta
GH-10/121/D, Sundar Apartments
Paschim Vihar, Delhi-41 .. Applicant in OA 1528/95
(By Shri S.K. Gupta, Advocate)
2. Chand Narain Jasuja)
A-1/B-104, Janakpuri, New Delhi)
3. Satta Bhushan Ahuja)
C-4/A-58-B, Janakpuri, New Delhi) Applicants in
4. D.N. Adlakha) OA 1749/95
AG-1/15154-A, Vikaspuri, N. Delhi)
5. Kanhaiya Lal)
WZ-135, Street No.5, Krishnapuri)
Tilak Nagar, New Delhi)
6. P.N. Sharma)
RZ-64, Santosh Park)
Uttam Nagar, New Delhi)
(By Shri S.K. Gupta, Advocate)
7. Smt. Swarn Lata Kapoor
J-192, Saket, New Delhi .. Applicant in OA 651/96
(By Shri S.K. Gupta, Advocate)
8. K.L. Talwar
1/23, Govindpuri, New Delhi .. Applicant in OA 2181/97
(By Shri George Parackan, Advocate)

versus

Govt. of NCT of Delhi, through

1. Chief Secretary
5, Sharnath Marg, Delhi
2. Director of Education
Old Secretariat, Delhi
3. Dy. Secretary (Education)
Old Secretariat, Delhi .. Respondents
(By Shri Arun Bhardwaj, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

The background facts, issues raised, legal points involved and the reliefs claimed in these four OAs are identical and hence they are being disposed of by a common order. Relief claimed for in all these OAs relates to issuance of directions to the respondents to

promote the applicants to the post of TGT (Drawing & Engineering) in the pay scale of Rs.550-900 (pre-revised) with effect from 3.1.74 and Rs.1640-2900 with effect from 1.1.86 with all consequential benefits.

2. We have heard the learned counsel for the parties.

3. It has not been denied by the respondents that the reliefs prayed for in the group of present applications are similar as those granted by a common order dated 2.6.98 in OA 2423/96 and other OAs (Ram Dhan & Anr. Vs. LG of Delhi) given by one of us namely Hon'ble Shri S.P. Biswas.

4. While allowing those OAs, this Bench in its judgement dated 2.6.98 considered the question of limitation as well as several other issues as similarly raised by the respondents herein. Learned counsel for the respondents again submitted that the benefit in such cases could not be allowed from 1974 since the Tribunal did not come into existence before 1985. Similarly, it was argued that cause of action had arisen prior to November, 1985 when the Tribunal was set up and that the judgement delivered earlier cannot be a cause of action. Counsel for the respondents also submitted that providing higher pay scale for those possessing higher qualification as prescribed under the amended R/Rules would not be termed as arbitrary.

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5. We find that all these issues have been covered in the group of OAs as aforementioned as well in T-75/85 decided on 23.2.87 and OA 2671/93 decided on 19.8.94.

As regards the date from which the benefit would accrue to the applicants, the same issue stands already sorted out in para 14(1) of the judgement in Ram Dhan's case (supra), wherein respondents were directed to give the benefit of the judgement in CWP No.1213/73 and give them promotion on provisional basis from the date persons junior to the applicants therein were promoted in 1973-74 i.e. 3.1.74. However, payment of actual arrears would be confined to one year prior to filing of the OAs. We find the same situation prevails in the present group of OAs. It may be mentioned here that OA 1528/95 was filed on 21.8.95. Similarly, OAs 1749/95, 651/96 and 2181/97 were filed on 18.1.95, 25.3.96 and 12.9.97 respectively.

6. All the four OAs are disposed of in terms of para 5 above. No costs.

(S.P. Biswas)
Member(A)

(V. Rajagopala Reddy)
Vice-Chairman(J)

/gtv/

Original Judgement in OA 1528/95

bcu
21.6.99