

(11)

Central Administrative Tribunal
Principal Bench, New Delhi

New Delhi the 4th day of July 1995.

OA No.92/95

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr B.K.Singh, Member (A)

1. Munishwar Sharma
R/o 276/1, Shriram Nagar
Shahdra, Delhi.
2. L.N.Sharma
R/o CC 82-D, Shalimar Bagh
Delhi-52

...Applicants

(By Advocate: Shri D.R.Gupta)

Versus

1. Lt. Governor
Govt. of NCT of Delhi
Raj Niwas Marg
Delhi.
2. Chief Secretary to the Govt. of NCT of Delhi
Directorate of Education
5, Alipur Road
Delhi
3. Director of Education
Delhi Admn., Old Sectt.
Sham Nath Marg, Delhi

...Respondents

(By Advocate: Shri S.K.Gupta, proxy)

ORDER (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicants, 2 in numbers, were recruited as Mechanic-cum-Caretaker in the year 1970. Their grievance is that though in compliance of the Govt. of India, Ministry of Finance OM dated 10.1.1977, sanction was accorded for creation of selection grade for Mechanic-cum-Caretaker in the pay scale of Rs.390-530 w.e.f. 1.8.1976 vide Directorate of Education's letter dated 19.2.1990, so far the follow up action on the basis of the sanction has not been taken up with the result that even after rendering services for about 2½ decades the applicants remained at the entry grade itself. Therefore the applicants have filed this application praying that the respondents be directed to grant selection grade to

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the applicants with consequential benefits from the ^{date} pay sanctioned by the government and also to consider providing promotional avenues to the applicants by undertaking cadre review or otherwise so that the applicants can get at least two promotions in their service career.

2. Notices have been served on the respondents. The respondents entered appearance through counsel and have filed reply in which they contend that as the seniority list of Mechanic-cum-Caretaker is yet to be finalised and as a tentative seniority list has been issued, it is impossible to grant selection grade before ascertaining seniority and for that reason, the application is premature.

3. Counsels on either side agree that this application can be disposed of at the admission stage itself. Learned counsel for the applicant argued that inspite of the fact that the government sanctioned selection grade way back in 1990, the delay in the finalisation of the seniority of the cadre and implementation of government's decision in regard to grant of selection grade is inordinate and unjustified. We find ~~some~~ merits in the contention of the applicants' counsel. However, as the respondents are now taking steps to finalise the seniority and thereafter to confer selection grade on Mechanic-cum-Caretakers on the basis of the seniority, we are of ~~the considered view~~ that the application can now be disposed of with a direction to the respondents to complete the above said process as expeditiously as possible. Regarding the claim of the applicants for future promotions, they may take up the matter again with the department after their seniority is ascertained and grant of selection grade is completed. In the result, the application is disposed of with directions to the respondents to finalise the seniority list of Mechanic-cum-Caretaker and to grant selection grade to those who are entitled as the ^{per} rules and norms within a period of 3 months with consequential benefits. There is no order as to costs.

(B.R.Singh)
Member (A)

(A.V.Haridasan)
Vice Chairman (J)