

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1178/1995

New Delhi this the 31st day of August, 1999.

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

HON'BLE SHRI SYED KHALID IDRIS NAQVI, MEMBER (J)

Smt. Shakuntala Devi Sharma
W/O Shri H. C. Sharma,
R/O 5/170 Nehru Park,
Bahadurgarh,
Haryana.

... Applicant

(By Shri Sarvesh Bisaria, Advocate)

-Versus-

1. Lt. Governor of Delhi through
Chief Secretary,
Delhi Administration,
Delhi.

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

... Respondents

(By Shri Ajesh Luthra, Advocate)

O R D E R (ORAL)

Shri R. K. Ahooja, AM :

The applicant is aggrieved that though she has put in nearly 31 years' service as a Social Education Worker in the grade of Rs.1200-2040, she has not been accorded even one promotion.

2. The respondents say that there are higher posts available in the Department to which the applicant is entitled to be considered. These are posts of Supervisor in the scale of Rs.1400-2300, Assistant Social Education Officer scale Rs.1640-2900, and Assistant Director of Education (Social) scale Rs.3000-4500 (all pre-revised).

Dr

3. We have heard the counsel. The learned counsel for the applicant submits that though posts are available in the channel, these are in such poor ratio that against 100 Social Workers only three higher posts are available and the applicant, therefore, has had no opportunity to be considered for promotion. It has also been pointed out that the applicant has long since attained the maximum of the scale and has been stagnating since then. The learned counsel also cites the order of this Tribunal in DEENA NATH DOGRA v. DELHI ADMINISTRATION & ORS., 1991 (7) SLR 475. In that case, the applicant was also in a similar situation as he was holding an isolated post for which there were no prospects of promotion. The Tribunal in its order relied on the observations of the Hon'ble Supreme Court in RAGHUNATH PRASAD SINGH v. SECRETARY, HOME (POLICE) DEPARTMENT, GOVT. OF BIHAR, 1988 (1) SLR 347 (SC) that "reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service." The Tribunal in that case ordered that the respondents should create a supernumerary post in order to accommodate the applicant and accord him promotion. The learned counsel for the applicant herein submits that for similar reasons, a direction should be issued to the respondents to at least promote him in situ by granting him the next higher pay scale.


Dr


4. While we sympathise with the applicant, we are of the view that on the ratio of the latest judgment of the Supreme Court it is not open to the Tribunal to give a direction to the respondents to create additional posts which will have monetary implications. (See 1997 (1) SCC 670, Gyan Prakash v. Union of India). We are also now informed that the Government of India have realised the need of career progression in order to provide due incentive to its employees. Recommendations to that effect have also been made by the Fifth Pay Commission whereafter orders have also been issued on 9.8.1999 which lay down that a Government employee should have at least two promotions during the span of his service career and such promotion should be granted on the completion of 12 and 24 years. These instructions of the Government of India would also normally apply in case of an employee of the Government of N.C.T. of Delhi. The applicant will, therefore, be entitled to the benefit of these orders.

5. The learned counsel for the applicant submits that even so, the relief sought for by the applicant is that such in situ promotion should be given with retrospective effect on the basis of the policy of 1991. We notice that such a scheme which was notified on the basis of the recommendations of the Fourth Pay Commission related to stagnation in respect of the pay scale in which a particular Government servant was working. With periodical revisions of pay scales on the recommendations of the

successive Pay Commissions, many Government servants were not able to avail the benefit of that scheme. We are not aware as to whether the case of the applicant would have been covered under that scheme or not.

6. Be that as it may, we can give no such direction since the case of the applicant will have to be considered in terms of the scheme now published by the Government of India vide notification dated 9.8.1999. With these observations, the O.A. is disposed of. No costs.


(R. K. Ahooja)
Member (A)


(Syed Khalid Idris Naqvi)
Member (J)

/as/