

Central Administrative Tribunal
Principal Bench

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O.A.No2061/96

Hon'ble Shri R.K.Ahooja, Member(A)
Hon'ble Shri S.L.Jain, Member(J)

New Delhi, this the 19th day of March, 1999

Ms.Shiromani Jain
135, Rishab Vihar
Karkardooma
Delhi - 110 092.

... Applicant

(By Shri M.P.Raju, Adovocate)

Vs.

1. NCT of Delhi
through Secretary
Ministry of Education
Old Secretariate
Delhi.

2. The Director of Education
Directorate of Education
Old Secretariat
Delhi.

... Respondents

(By None)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The Petitioner was appointed as Drawing Teacher on 22.8.1962. The Government of India decided in 1972 that Drawing Teachers should have the minimum qualification of teachers who take Class XI in Higher Secondary Schools. As a result of this direction the Recruitment Rules were amended and notified on 27.1.1972 enhancing the educational qualification to Post Graduate Degree. The higher grade of PGT was also allowed to teachers possessing this qualification. Some of the Drawing Teachers similarly situated as the petitioner herein moved the Delhi High Court in CWP. 1479 of 1972 M.L.Sharma Vs. Director of Education and Others for grant of the revised pay scales. The Delhi High Court granted the relief holding that the pay scale of teachers in the common cadre of senior grade teachers cannot be

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different and if higher scale is given to teachers in the senior grade the petitioner who was in the senior grade would be entitled also to the higher scale of pay. Similar petitions also filed before the Delhi High Court and later transferred to the Central Administrative Tribunal were also allowed in the light of the decision of the Delhi High Court in CWP 1479 of 1972. The petitioner states that the respondents have ⁱⁿimpartially compliance of these orders granted ad hoc promotion to the applicants therein as Post Graduate Teacher (PGT). The applicant also made several representations for similar relief and she was promoted as PGT on an ad hoc basis w.e.f. 6.2.1990. Subsequently the respondents have promoted one Smt. Radha Nanda who was junior to the applicant as PGT on a regular basis w.e.f. 3.1.1974 by their order dated 13.11.1992, Annexure -A4. Since representations had been received by the respondents for similar relief from other affected parties they issued a circular dated 25.04.1994, Annexure-A5 inviting applications from such parties by 30.04.94, which date was extended to 30.5.1994, Annexure-A6. The applicant submits that she duly made a representation, Annexure-7 but the respondents rejected the same by letter dated 22.8.95, Annexure-A9. Aggrieved by this order she has now approached this Tribunal.

2. The respondents in their reply have submitted that the applicant was not a party in the various cases which had come up from the Delhi High Court or before the Tribunal. She is therefore, not entitled to the relief on the basis of Supreme Court's orders in Shri Bhoop Singh Vs. Union of India & Others, JT 1992(3) SC 322.

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3. Today when the matter came up, we heard Sh. M.P.Raju, learned counsel for the applicant. Unfortunately we do not have the benefit of the assistance of the counsel for the respondents.

4. We find that since the respondents themselves had called for representations from the affected Teachers such as the applicant herein by their circulation dated 30.4.1994 and the representation duly filed by the applicant was only rejected on 24.8.1995, there is no delay in filing this petition which was submitted to the Registry on 18.06.1996.

5. We also find that a Co-ordinate Bench of this Tribunal has in OA No. 2277/95, OA-2423/96, OA-2599/96 & OA-2180/97 by common order dated 2.6.98 Amarnath and Others Vs. Lt. Governor of Delhi and another ~~have~~ considered the same objection raised by the respondents and rejected the same. We are in respectful agreement with the conclusion of the Co-ordinate Bench and find that the present OA is not barred by the ratio of Supreme Court's judgement in Bhoop Singh (Supra). The OA is accordingly allowed.

6. The Co-ordinate Bench in Amar Nath (Supra) had also examined the question as to from what date the applicants therein were entitled to the consequential benefits. Relying on an earlier judgement of the Tribunal in OA No. 218/93, Shri M.K.Popli & Others Vs. the Lt. Governor & Administration of Delhi, the Co-ordinate Bench decided that the consequential benefits will have to be restricted to the date one year prior to

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the filing of the OA so far as the payment of arrears was concerned. Following the conclusion of the Co-ordinate Bench, we give the following directions :-

(a) The respondents shall give benefit of the judgement of CWP No. 1312/73 to the applicants in this OA as well and shall give ^{her} ~~them~~ promotion on notional basis from the dates persons junior to ~~her~~ were promoted in 1973-74 i.e. 3.1.74 but payment of actual arrears shall be made only from the date one year prior to the filing of the OA.

The OA is disposed of as above. No costs.

S.L. Jain
(S.L.Jain)
Member(J)

R. K. Ahooja
(R. K. Ahooja)
Member(A)

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