

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2442/96
T.A. No.

198

DATE OF DECISION 7-11-97

Smt Bhag Rani Chopra Applicant (s)

Shri K.L. Boudula Advocate for the Applicant (s)

Versus

Govt of NCT of Delhi Respondent (s)

None Advocat for the Respondent (s)

CORAM :

The Hon'ble Mr. Dr. Jose. P. Verghese, vice Chairman (J)

The Hon'ble Mr. K. Muthukumar, M(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?

(Dr. Jose P. Verghese)
VC (J)

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2442/96

New Delhi this the 7th Day of November 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Shri K. Muthukumar, Member (A)

Smt Bhag Rani Chopra,
W/o Shri G.C. Chopra,
Resident of A-54 Vikaspuri,
New Delhi.

Working as Principal, Sarvoda Kanya Vidyalaya,
Vikaspuri 'C' Block,
New Delhi. Petitioner

(By Advocate: Shri K.L. Bhandula)

Versus

1. Lt. Governor of N.C.T.,
Raj Bhawan,
New Delhi.
2. Secretary (Education),
Govt. of N.C.T.,
Delhi.
3. Director of Education,
Old Secretariat,
Delhi.
4. Deputy Director of Education (West),
New Moti Nagar,
New Delhi-110 015 Respondents

(By Advocate: None)

ORDER

Hon'ble Dr. Jose P. Verghese, VC (J)

The petitioner was appointed as PGT (Hindi) with effect from 24.8.1968 and thereafter promoted to the post of Vice Principal and Principal on 4.2.1978 and 24.6.1992 respectively. The petitioner even though belong to SC community happened to marry to a non-SC on 8.6.1969 and the respondents wrongly deleted her name from the list of PGT Female SC persons and thereby denying all benefits attached to

the reserved category. Subsequently the petitioner represented the matter and the respondents by an order dated 23.4.97 modified their own order dated 24.6.1982 by which the petitioner was promoted to the post of Principal and passed an order stating that the petitioner would be deemed to have been appointed to the post of Principal w.e.f. 16.9.1976.

2. The respondents statement in this OA was that the applicant may be given promotion to the post of Principal w.e.f. 16.9.1976 and re-fixation of pay accordingly and payment of all arrears on the basis of such an order. After notice the respondents had filed the reply and admitted that the petitioner had been denied the benefits PGT Female due to marriage to a non-SC individual and admitted that the petitioner had given several representations and finally during the pendency of this OA the respondents passed the above said order dated 23.4.97 pre-dating the promotion of the petitioner to the post of Principal w.e.f. 16.9.76. The petitioner had in the OA stated that no benefit of seniority is being claimed but the monetary benefits arising out of pre-dating of her promotion to the post of principal may be granted to her was the only prayer that remains to be considered in this OA. In the said order dated 23.4.97 it was stated that "however she will be allowed only the benefit of notional fixation on account of her

retrospective promotion and will not be entitled to any monetary benefits for the period she was not actually worked as principal".


3. It was submitted on behalf of the petitioner the during the period between 1976-82 the petitioner should have been given the payment of arrears for the reasons that the petitioner had been wrongly prevented from discharging the duties of the post of principal to which she was entitled but could not discharge the duties only due to the respondents passing a wrong order and since she could not actually work on the post was not due to any fault of the petitioner and therefore the petitioner is entitled to monetary benefits.


4. "We see some force in the submission of the petitioner. The respondents have since admitted that the petitioner is entitled to promotion w.e.f. 16.9.1996 and they have also given the benefit of notional fixation of pay on account of retrospective promotion. In the facts and circumstances of the case, we are of the considered view that the proviso to FR 17(1) will not be applicable in this case where the petitioner was willing to work but was kept away by the authorities for no fault of her's. This is also in line with the reasoning given by the Apex Court's order in Union of India & Others Vs. K.V. Jankiraman and Others, (1991) 4 SCC 109. We, therefore, direct that the petitioner may be granted payment of arrears between 16.7.1976 to 24.6.1982 deducting the actual amount paid during that period.

12

- This would be in addition to all other benefits that would be arising out of the order of the respondents dated 23.4.1997."

5. The respondents shall pass appropriate orders and make payment of arrears as per this order within two months from the receipt of a copy of this order and thereafter if any other delay occurs for such payment, the respondents shall pay 9% interest from the date of the said expiry of the said two months. With this the OA is disposed of with no order as to cost.


(K. MUTHUKUMAR)
Member (A)


(DR. JOSE P. VERGHESE)
Vice-Chairman (J)

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