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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 544/1996

New Delhi this the 25th day of November, 1999.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Vijay Pal Singh S/O Braham Singh,
R/O 21-B, Gali No.1 (West),
Chander Nagar,
Delhi-110051.

... Applicant

(By Shri Surinder Singh, Advocate)

-Versus-

1. Chief Secretary,
Govt. of National Capital Territory
of Delhi, Old Secretariat,
Delhi.

2. Director of Education,
Old Secretariat,
Delhi. ... Respondents

(By Shri Vijay Pandita, Advocate)

O R D E R (ORAL.)

Shri R. K. Ahooja, AM :

The applicant was initially appointed as an Assistant Teacher in Municipal Corporation of Delhi (MCD) on 7.11.1959 and was promoted as Trained Graduate Teacher (TGT) on 16.7.1963. At that time he had been assigned seniority No.305 by the MCD authorities. The middle schools, where the applicant was working, were taken over by the erstwhile Delhi Administration with effect from 1.7.1970. On his absorption in the Delhi Administration, he was awarded selection grade w.e.f. 1.10.1979 by order dated 3.3.1982.

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2. The applicant's claim is that he was subsequently assigned assumed seniority by the MCD in the category of TGT at No.31-A. The Delhi Administration had, however, granted selection grade in the meantime to a number of TGTs who, by the change of their inter se seniority, had become junior to the applicant. One such case is that of Shri K.A.Gautam whose seniority number was 67-A and who was granted selection grade w.e.f. 5.9.1971 by office order No.MA.KA 2/82 dated 3.3.1982. On that basis the applicant had made representation to the respondents to also grant him the selection grade from the same date with all consequential benefits including the backwages as well as revision of his pay. The applicant who was later promoted as a Head Master and has since retired, has also sought revision of his ~~pension~~ ~~service~~ on the basis of his revised seniority.

3. The respondents in their reply have conceded that the applicant's seniority was revised and he was placed at S.No.31-A. They, however, state that by the order dated 25.1.1993 by which this revision was allowed specifically stated that the applicant would not be entitled to any financial benefits.

4. Having heard the counsel on both sides and having perused the record of the case, we are unable to understand the reluctance of the respondents to allow the applicant the benefits of his revised seniority since his juniors admittedly have been granted such benefits. Shri Vijay Pandita, learned counsel for the respondents, submitted that since the

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applicant was working under the MCD on 1.9.1971, it is to that body that the applicant had to address his grievance. Had the respondents not granted the arrears of selection grade and backwages to juniors of the applicant such as Shri K.A.Gautam on the plea that these were to be also paid by the MCD, there could be no dispute over the argument advanced by Shri Pandita. However, the order dated 3.3.1982 makes no such stipulation. On the other hand, in the said order the following endorsement has been made :

"In the case of the teachers promoted from a date earlier than the date of grant of Selection Grade of this post, the pay in the selection grade will be protected in accordance with the instructions contained in Govt. of India, Ministry of Education & Social Welfare (Dept. of Education) vide letter No.11014/Ed.72-DT-1 dated 26.10.72 read with the letter of even No. dated 27.5.75.

The pay of each employee who has been granted Selection Grade from the date indicated against each shall be fixed and they will also be entitled to draw arrears etc. (Emphasis supplied).

5. The Directorate of Education, Delhi Administration had agreed to pay the arrears from its own funds rather than directing that the TGTs mentioned in the aforesaid order should obtain the same from their erstwhile employer, namely, the MCD. In these circumstances, the applicant has to be treated on equal footing with his juniors in respect of payment of backwages and other monetary benefits by the Delhi Administration.

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6. In the result, we allow this O.A. The respondents are directed to grant to the applicant all monetary benefits in respect of backwages, re-fixation of pay and re-calculation of pension on the same basis as has been done in respect of his juniors by the order dated 3.3.1982. This will be done within a period of four months from the date of receipt of a copy of this order. No costs.

(Ashok Agarwal)
Chairman

~~R. K. Ahuja~~
(R. K. Ahuja)
Member (A)

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