

Central Administrative Tribunal
Principal Bench: New Delhi

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RA 218/97 in OA No.1811/97

New Delhi, this the 19th day of September, 1997

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

Smt. Kanta Bhatia,
Sr. Language Teacher (Retd)
H.No. 1075/GH-13,
Paschim Vihar,
New Delhi.
(By Advocate: Shri K.P.Dohare)

Review Petitioner

Versus

1. Govt. of N.C.T. of Delhi through
Chief Secretary,
Govt. of NCT of Delhi.,
5, Sham Nath Marg,
Delhi.
2. Secretary, Service,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi.
3. Director of Education,
Govt. of NCT of Delhi.
Old Secretariat, Delhi.
4. Deputy Director Education,
Office of Deputy Director Edn.
Moti Nagar, Delhi: ...Opposite party

(By Advocate: None)

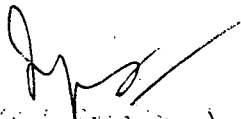
O R D E R (BY CIRCULATION)
[Hon'ble Dr. Jose P.Verghese,Vice-Chairman (J)]


This review application is filed against our orders dated 6.6.1997 in which the O.A. of the petitioner has been dismissed as not maintainable. The said dismissal was on the ground that even though the petitioner had completed 18 years of service as required by the recruitment rules, the petitioner was found not qualified for P.G.T. While dismissing the petition, we had observed and granted liberty to the petitioner to make a

representation to the respondents in case the petitioner acquires the prescribed necessary qualification for PGT under the relevant recruitment rules before the superannuation of the petitioner. By way of this review petition, the petitioner has brought to our notice that by letter dated 3.11.1987, Ministry of Human Resource Development (Department of Education) had given the qualification stating that for those teachers who have already completed 18 years of service, requirement of acquiring qualification for the next higher grade may be waived. The said letter, therefore, gives the discretionary power to the respondents to ^{waive} the requirement of qualification provided the petitioner has completed 18 years of service. Since we have already recorded a finding that the petitioner had completed more than 18 years of service ^{as} as required by the recruitment rules, it is a fit case for the respondents to consider, in accordance with the discretionary power available to them by the said letter of the Ministry of Human Resource Development dated 3.11.1987 and consider the case of the petitioner for promotion in the grade of PGT before superannuation of the petitioner. Since we have already granted liberty to the petitioner to make an application to the respondents, the petitioner may also refer to this letter of 3.11.1987 of the Ministry of Human Resource Development referred above and make appropriate representation and the respondents shall, as directed in the original order, dispose of the same within fifteen days from the date of receipt of such representation. Our orders dated 6.6.1997 would stand modified only to this

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extent namely permitting this additional plea to be raised
in the representation. R.A. is therefore disposed of with
no order as to costs.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice-Chairman (J)

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