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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A. NO. 282/94

New Delhi: this the 5th day of June, 1996.

HON'BLE MR. S. R. ADIGE, MEMBER (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

1. Shri Vinod Kumar Mittal,
S/o Shri Banwari Lal,

R/o 1/13, Gali No. 5,
Vishwas Nagar,
Delhi-32,

Working as Yoga Teacher in GBS School,
Vishwas Nagar,

Delhi -32.

2. Shri Jinendra Kumar Jain,
Son of Shri J. P. Jain,

R/o 8/94, Yamuna Vihar,
Delhi-53,

Working as Yoga Teacher in GBS School,
II Shift, G.T. Road,

Shahdra,

Delhi -32.

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3. Shri Rajendra Singh,
Aged 36 years,
S/o Shri R.P. Singh,
R/o Vill. & P.O. Bambawar,
Distt. Ghaziabad (U.P.),

Working as Yoga Teacher in
GBSS School No.1,
M.S. Park, Shahdara,
DELHI-32.
4. Shri Vinod Kumar,
Aged 36 years,
S/o Shri Gopi Lal,
R/o C-41, Karkardooma,
DELHI-92.

Working as Yoga Teacher in
GBSS School, Vishwas Nagar,
DELHI-32.
5. Shri R.S. Sharma,
Aged 39 years,
S/o Shri Jagvir Saran Sharma,
R/o C-47, Karkardooma,
DELHI-92.

Working as Yoga Teacher in
GBSS School No.3,
Bholanath Nagar,
Shahdara,
DELHI-32.
6. Shri Kirti Kumar,
Aged 34 years,
S/o Shri Raghunath Singh,
R/o C-26A-II Pocket,
Keshav Puram,
DELHI-35.

Working as Yoga Teacher in
GBSS School, Anand Vas,
DELHI-34.
7. Shri Satya Prakash Bhardwaj,
Aged 37 years,
S/o Shri K.P. Sharma,
R/o B-466, Delhi Admn. Flats,
Timarpur,

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8. Shri Mahesh Kumar Mishra,
Aged 39 years,
S/o Shri R.P. Misra,
R/o B-535, Delhi Admn. Flats,
Timarpur, DELHI-54.

Working as Yoga Teacher in
G.B.M. School,
Kamla Nagar,
DELHI-7.

9. Shri K.K. Saini,
Aged 38 years,
S/o Shri Satpal Saini,
R/o 73-C, Pocket-A, Phase-II,
Mayur Vihar,
DELHI-91.

Working as Yoga Teacher in Govt.
Boys Sr. Secondary School,
Pandara Road,
NEW DELHI-3.

10. Shri S.M. Tiwari,
Aged 38 years,
S/o Shri C.P. Tiwari,
R/o 142, Kalyanwas,
DELHI-91.

Working as Yoga Teacher in
Govt. Boys Sr. Secondary School,
Kalyanpuri,
DELHI-91.

11. Shri S.K. Sharma,
Aged 31 years,
S/o Shri R.D. Sharma,
R/o D-30/4, Madhuban,
Mohalla North Ghonda,
DELHI-53.

Working as Yoga Teacher (now PGT)
in Govt. Model Boys Sec. School,
Laxmi Nagar,
DELHI-92.

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12. Shri Ghanshyam Dass,
Aged 38 years,
S/o Shri Deep Chand,
R/o 985/ID, Gali No.12,
Ashok Nagar,
DELHI-93.

Working as Yoga Teacher in
Govt. Boys Model School,
G.T. Road,
Shandara, DELHI-32.

13. Shri Suresh Chand,
Aged 38 years,
S/o Shri Mangat Singh,
R/o D-504/7, Gali No.1,
Ashok Nagar, Shahdara,
DELHI-93.

Working as Yoga Teacher in
Govt. Boys Secondary School,
Dayalpur,
DELHI-94.

14. Shri Som Dutt Sharma,
Aged 39 years,
S/o Shri Shobha Ram Premi,
R/o 28-E, Pocket 3,
Mayur Vihar,
DELHI.

Working as Yoga Teacher in
Govt. Composite Model Sec. School,
Laxmi Nagar,
DELHI.

15. Shri Arun Kumar,
Aged 35 years,
S/o Shri R.S. Yadav,
R/o 453, Haider Kuli,
Chandni Chowk, DELHI-6.

Working as Yoga Teacher in
Govt. Comp. Model Sr. Sec. School,
Rousue Avenue,
NEW DELHI-2.

.. Applicants

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1. Union of India through
The Secretary,
Ministry of Human Resources
Development,
Shastri Bhavan,
NEW DELHI.
2. The Hon'ble Lt. Governor,
National Capital Territory
of Delhi,
Raj Niwas,
DELHI.
3. The Chief Secretary,
Delhi Administration,
National Capital Territory
of Delhi,
DELHI.
4. The Secretary (Education),
Directorate of Education,
Old Secretariat,
DELHI-54.
5. The Director of Education,
Directorate of Education,
Old Secretariat,
DELHI-54.
6. Smt. Kuljeet Kaur, Sohal,
D/o Mohinder Singh,
R/o 113, Arjun Nagar,
NEW DELHI-29.

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7. Smt. Rajni Rawat,
W/o Shri S.K. Rawat,
7, Sant Nagar (Near East of Kailash),
NEW DELHI-65.

8. Mrs. Baljeet Kaur,
W/o Shri Daljit Singh,
R/o O/IV-A, Jangpura Extension,
NEW DELHI-14.

9. Smt. Manjinder Kaur,
W/o Shri Gurnam Singh,
FD/5, Tagore Garden,
NEW DELHI-27.

10. Smt. Sarojini Sabharwal, >
W/o Shri Arun Sabharwal,
14/12, Tilak Nagar,
NEW DELHI-18.

11. Mrs. Naresh,
R/o C/4C/171, Pkt.14,
Janakpuri,
NEW DELHI-18.

12. Smt. Sarojini,
W/o Shri Harish Kewlani,
R/o C-56, Gujranwala Apartments,
J-Block, Vikaspuri,
NEW DELHI.

13. Rajni Verma,
D/o Shri R.C. Verma,
R/o A-1/163B, Lawrance Road,
DELHI-35.

14. Smt. Nirmal Badhbar,
W/o Shri Om Prakash Badhwar,
R/o 832, Sector-3,
R.K. Puram,
NEW DELHI - 8/

15. Shanta Sharma,
D/o Shri S.D. Sharma,
GG-3, H. No.28,
Vikaspuri,
NEW DELHI.
16. Deepa Chaudhry,
W/o Shri Dharamvir Singh,
R/o G-59, East of Kailash,
NEW DELHI-65.
17. Vidhu Chaturvedi,
W/o Shri C.K. Chaturvedi,
R/o 23/209, Lodi Colony,
NEW DELHI-3.
18. Brij Rani/Dr. Jagdish Chand,
R/o 89-D, Phase-II,
J.J. Colony, Nangloi,
DELHI.
19. Sonali Roy Chaudhry,
W/o Dr. A.K. Hazara,
R/o D-75, Pandav Nagar,
DELHI-92.
20. Uma Chaturvedi,
W/o R.C. Chaturvedi,
R/o 189-D, Pkt. A,
Mayur Vihar, Phase-II,
DELHI-94.

.. Respondents

Advocate: Shri Arun Bhardwaj for the applicants.
Shri Rajendra Pandita for official respondents.
Shri Manoj Chatterjee for private respondents.

HON'BLE MR. S.R. ADIGE, MEMBER (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

JUDGMENT

BY HON'BLE MR. S.R. ADIGE MEMBER (A).

Heard. In accordance with the Hon'ble Supreme Court's order dated 9.2.96 in Civil Appeal No. 3419/96 V.K. Mittal Vs. UOI & others we are disposing of this OA on merits.

2. By Delhi Administration's letter dated 7.8.81 (Annexure-A2) 457 posts of Senior Yoga Teachers (Rs. 440-750) and 235 posts of Junior Yoga Teachers (Rs. 425-640) were created w.e.f. 1.10.81, for Delhi Schools and were extended from time to time.

3. Subsequently by Delhi Administration's letter dated 17.8.83 (Annexure-A3) the 235 posts of Junior Yoga Teachers created by Delhi Administration's letter dated 7.8.81 and extended from time to time, were abolished and 235 posts of Yoga Teachers (Rs. 440-750) were created and extended from time to time.

4. By GOI Department of Education's letter dated 4.3.76 they modified their earlier letter dated 26.11.71 and directed that the number of selection grade posts would be 20% of permanent as well as temporary posts which had been in existence for 3 years or more w.e.f. 1.1.73. The grant of selection grade was made subject to certain conditions. Subsequently by letter dated 27.3.82 (Annexure-A9) it was clarified that the number of selection posts would be fixed at 20% of all sanctioned posts as on 1.4.81 and this principle would be followed in future also in determining the number of selection grade posts of Teacher. Thereafter by letter dated 16.4.85 the GOI clarified that there was no relaxation in so far as the period of 3 years of existence was

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concerned of posts mentioned in their letter dated 4.3.76 for admissibility of selection grade posts whether in aided schools or in Govt. schools.

5. According to the private respondents by advertisement dated 23.9.81, 315 posts of Senior Yoga Teachers (male) and 140 posts of Senior Yoga Teachers (female) were admitted, and owing to the non-response of required number of male candidates 181 Senior Yoga Teacher (male) and 294 Senior Yoga Teachers (female) were appointed eventually. These averments are not denied by the applicants.

6. It is in the background of the above facts that the prayers of the applicants in this OA have to be considered.

7. In so far as Relief No. 3(i) is concerned, namely quashing of the respondents' order dated 29.4.93 (Annexure-A) denying Yoga Teachers the benefits of Selection Grade, applicants' counsel

Shri Bhardwaj has stated at the bar that the Yoga Teachers are eligible for selection grade, which is amply borne out by the contents of the pleadings themselves, and hence the prayer for quashing the said order dated 5.3.93 becomes infructuous. In the same paragraph a prayer has been made to grant 20% selection grade on 692 sanctioned posts of Yoga Teachers taking into consideration GOI's instructions to grant the

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same w.e.f. 1.4.84. As stated above the condition of 3 years of existence on sanctioned posts for calculation of 20% selection posts thereon had not been relaxed, and hence the 235 posts of Junior Yoga Teachers, which were abolished and the subsequent creation of an equal number of Senior Yoga Teachers by order dated 17.8.83 could under no circumstances be included for the purpose of calculating the 20% selection posts as on 1.4.84. Hence that prayer fails. Applicants have sought to place reliance on respondents' letter dated 27.3.82 intimating that selection grade would be fixed on 20% of all sanctioned posts as on 1.4.81 but that letter does not help them because respondents' order dated 7.8.81 created the posts of 457 Senior Yoga Teachers and 235 Junior Yoga Teacher w.e.f. 1.10.81.

8. As regards relief prayed for in para-

graph 8(1) viz. quashing of order dated 24.1.94 (Annexure-A1), this order sanctioned 36 posts in selection grade for Yoga Teachers (male) and 55 posts in selection grade for Yoga Teachers (female). In this connection we note that against posts of 315 Senior Yoga Teachers (male) advertised only 181 male candidates were appointed, owing to non-response of male candidates and against 140 posts of Senior Yoga Teachers (female) advertised 294 female candidates were appointed. The applicants admittedly did not and cannot do so now, make any protest at that time. That being so the

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Senior Yoga Teachers (female) would be entitled to selection grade at the rate of 20% of 294 posts occupied by them which comes to 59 against which they have been sanctioned 55 such posts but as in this OA we are adjudicating on the grievances of the applicants, we do not propose to go into this further. Similarly against 181 posts of Senior Yoga Teachers (male) 20% thereof would come to 36 posts which is in fact what they have been sanctioned by impugned order dated 24.1.94. The total number of selection posts thus sanctioned is $36+55=91$ which is 20% of 455 i.e. the total number of posts of Senior Yoga Teachers available for calculation of selection grade posts thereon. Hence this relief also fails.

9. In the result, the OA warrants no interference. It fails and is dismissed. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A).

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