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Central Administrative Tribunal, Principal Bench

Original Application No.1295 of 2000

New Delhi, this the day of 25<sup>th</sup> May, 2001

Hon'ble Mr.V.K.Majotra, Member (Admnv)  
Hon'ble Mr.Shanker Raju, Member(J)

Shri Jodha Ram,  
S/o Shri Ram Lal,  
R/o Village Gokalpur (old),  
Near Ice Factory,  
Delhi-110049.  
Retired As Vice-Principal  
From Govt. Boys Secondary School,  
New Seemapur,  
Delhi-110095. - Applicant  
( Shri Jodha Ram : Applicant in person)

Versus

1. The Director,  
Directorate of Education,  
Govt. of NCT of Delhi,  
Old Secretariate,  
Delhi-110054.
2. The Deputy Director of Education,  
District North-East,  
B-Block, Yamuna Vihar,  
Delhi-110053.
3. The Principal Secretary,  
Govt. of N.C.T. of Delhi,  
5, Sham Nath Marg,  
Delhi-110054. - Respondents  
(By Advocate Shri George Paracken)

O R D E R

By V.K.Majotra, Member(Admnv) -

The applicant challenged the order dated 5.6.2000 passed by Respondent No.1, Deputy Director of Education, Respondent No.2 whereby the applicant has been denied grant of selection scale of Rs.2200-4000. as he had been promoted as Vice-Principal before completing 12 years as PGT. The applicant retired as Vice-Principal(adhoc) from Govt. Boys Senior Secondary School, New Seema Puri, Delhi on 30.11.1990. He was granted PGT selection scale on 29.10.1998 w.e.f. 1.3.1987 as per annexure'A'. He was promoted as Vice-Principal on 9.1.1986. According to the applicant, he started his career as PGT w.e.f.1.3.1975. He could

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not complete 12 years as PGT for grant of selection grade as he was promoted as Vice-Principal on adhoc basis on 9.1.1986 before completion of 12 years as PGT. He had been functioning as adhoc Vice-Principal and was never confirmed or regularised as Vice-Principal. The period of adhoc Vice-Principal, should also be treated as PGT enabling him to complete 12 years making him eligible for grant of selection grade. The applicant has relied on Tribunal's order dated 8.2.2000 in OA 2386/1999 Gaj Raj Singh and Others Vs. Govt. of N.C.T. of Delhi and Others quashing and setting aside the impugned order dated 5.6.2000 with direction to the respondents to implement the order dated 29.10.1998 to release arrears of selection grade with retiral benefits to the applicant and also all consequential benefits.

2. In their counter, respondents have maintained that as the applicant had not completed 12 years as PGT before being promoted as Vice-Principal, he could not be granted the selection grade. According to the respondents, Shri Gaj Raj Singh as well as four Others whose cases has been received from District North East were not granted the selection grade as none of them had completed 12 years service as PGT(SG). However, the respondents have admitted that the applicant continued as confirmed PGT till his retirement. The applicant has filed rejoinder as well.

3. The applicant contended that the respondents have in compliance of order dated 19th January, 2001 in OA 162/2001 in the matter of P.S.Nahar Vs. Govt. of

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NCT of Delhi and Others accorded the relief claimed in the present OA by the applicant. According to the applicant, the case of the applicant is identical with the case of Shri Nahar Singh(supra). Applicant has also placed reliance on order dated 4th June, 1996 in OA 1578/1991 Shri Shiy Ratan Gupta Vs. Director of Education, Delhi Admin. and Others. This is a similar case which was disposed of with the following directions:-

Respondents 1 and 4 are directed to consider the case of the applicant for grant of pay in the scale of Rs.2200-4000 with effect from 1.3.86 with consequential benefits keeping in view the above directions and pass a detailed and speaking order thereon within a period of two months from the date of receipt of a copy of this order with intimation to the legal representatives of the applicant. They shall also pay Rs.300/- as costs to the legal representatives of the applicant.

3. The applicant drew our attention to Minutes of the Meeting held on 6.6.1997 by the Principal Secretary of Education regarding grant of selection grade to PGT who are officiating as Vice-Principals. These are reproduced as follows:-

Following were present in the meeting:-

1. Principal Secretary, Education (In Chair)
2. J.D.P. (Admin.)
3. J.D.E. (Finance)
4. D.C.A. (Edn.)
5. O.S., Secretariat Branch
6. O.S., Estt-II Branch
7. Representatives of G.S.T.A.

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It was decided earlier to grant Selection Scale introduced w.e.f. 1.1.1986 to those TGTS who had already been promoted on Officiating basis as Lecturers(PGT) prior to their completing 12 years in Old Selection Grade/Senior Scale vide Letter No.PA/OSD/C&P/GSTA/93/11161-12165 dated 15.5.96. On the same analogy Hon'ble CAT in O.A. NO.1578/91 'Sri Shiv Ratan Gupta Vs. Director of Education and Others', has directed that officiating Vice-Principals should also be given the Selection Scale of Lecturers under the similar circumstances. Moreover, prior to 1.4.1988 every Govt. Servant had a lien on his lower post till he was confirmed on the higher post and therefore, Teachers/Vice-Principal officiating on higher post were entitled to Selection Scale in their substantive post.

It was, therefore, decided that prior to 1.4.88, all those PGTs who were promoted as Vice-Principal before their completing 12 years in the Old Selection grade even promoted on regular basis but not confirmed on that post and were officiating as Vice-Principals were entitled to the Selection Scale of their substantive post i.e. P.G.T.

After 1.4.88, as per the Govt. of India, Deptt. of Personnel & Training, O.M. No.18011/1/86/Est(D) dt. 28.3.88, an Officer promoted on regular basis would have all the benefits that a person confirmed in that grade would have. As reported by concerned Branches that all the promotions to Vice-Principals made after 1986 till 6.12.1990 were on ad-hoc basis and were subsequently regularised vide J.S.(Education) Order No.F.43/7/90-Edn./2749-3748 dated 6.12.90, it was, therefore, decided that such PGTs who were working as Vice-Principals on adhoc basis on the date of their eligibility would also be entitled for Selection Scale of P.G.T.

4. The learned counsel of the respondents referring to order dated 26th July, 2000 in OA 206/2000 Shri Inderjeet and Others Vs. Govt. of NCT of Delhi and Others(Annexure R-4) stated that in OA the Court had directed that claim of the applicants for grant of selection grade in terms of order 29th October, 1998 and clarification contained in Memo dated 5th May, 2000

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should be considered within a period of two months and that the applicants should be paid arrears with interest at 12% per annum from the date the same become due till payment. If found eligible, the applicants will also be granted retrial their benefits accordingly.....He also referred to Annexure R-1 dated 5.5.2000 in which claims of similar persons were rejected as condition of 12 years to make with eligible for consideration in the cadre for grant of selection to PGT was not fulfilled. The learned counsel also submitted that decision taken in the meeting dated 6.6.1997 was not implemented.

5. The undisputed fact in this case is that applicant was promoted as Vice-Principal on adhoc basis. According to the respondents, the applicant continued as confirmed PGT till his retirement. Admittedly, the applicant had a lien in the post of PGT and would have completed 12 years service in that scale in January, 12, 1988. The decision of the respondents in Meeting dated 6.6.97 was that prior to 1.4.88 PGTs who were promoted as Vice-Principal before their completing 12 years in the old selection grade were entitled to the selection scale of their substantive post, i.e., PGT. In view of the facts of the present case, this decision of the respondents certainly entitles the applicant to grant of selection grade of PGT from 1.4.1975 as he would have completed 12 years having availed PGT senior scale w.e.f. 1.3.75.

6. In view of the facts and circumstances of the case, respondents are directed to consider the case of the applicant for grant of pay in the scale of

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Rs.2200-4000 w.e.f.1.3.87 with all consequential benefits, keeping in view the above directions and pass a detailed and speaking order thereon within a period of two months from the date of receipt of a copy of this order with intimation to the applicant.

S. Raju

(Shanker Raju)  
Member (J)

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V. Majotra

(V.K. Majotra)  
Member (Admnv)