

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1426/2000
M.A. NO.2422/2000

New Delhi this the 20th day of November, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Nisar Ahmed S/O Noor Ahmed,
R/O D-133, Abul Fazal Enclave (Okhla),
Jamia Nagar, New Delhi-110025,
at present working as Chemist in
Dept. of Prevention of Food
Adulteration, Govt. of NCT of Delhi,
A-20, Lawrence Road Indl. Area,
Delhi-110035. ... Applicant

(In person) . . .

-versus-

1. Govt. of NCT of Delhi through
Chief Secretary,
5, Sham Nath Marg, Delhi.
2. Directorate of Prevention of Food
Adulteration (PFA),
A-20, Lawrence Road Indl. Area,
Delhi-110035.
3. Directorate of Education
through its Joint Director,
Establishment-II,
Dept. of Education.
Old. Sectt., Delhi. ... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant had initially been appointed as a Trained Graduate Teacher (TGT) in the Directorate of Education, Delhi. By an order passed on 28.10.1983 he was deputed as a Chemist in the Department of Prevention of Food Adulteration. By a later order passed on 21.8.1990 issued by the Directorate of Education he was promoted from the post of Trained Graduate Teacher to that of Post Graduate Teacher (PGT). However, by the impugned order passed on 29.5.2000 he has been repatriated to his parent

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department, namely, the Directorate of Education as a TGT. By the aforesaid order, his promotion which had been granted way back on 21.8.1990 is sought to be nullified. Applicant submitted his representations on 1.6.2000 and 5.7.2000 against the aforesaid impugned order of 29.5.2000. No decision has been taken on the said representations. Hence, the present OA.

2. By the counter submitted by the respondents, aforesaid impugned order of 29.5.2000 is sought to be justified by contending that the applicant had not accepted, rather had refused, the order of promotion issued on 21.8.1990. We have perused the order of promotion of 21.8.1990 which is annexed at Annexure-5 and we find that the same contains the following directions :

"The teachers so promoted should report to the D.D.E. of the distt. to which they have been posted on promotion alongwith their vigilance clearance.....The promotions of these teachers will take place from the date of reporting for duty in the school as PGT. Promotees have to report to the Distt. concerned on or before 20-9-90 failing which it will be presumed that they are not interested in availing of promotion."

3. Applicant, it is clear, has not reported on the aforesaid promotional post in pursuance of the aforesaid directions contained in the order of promotion. He has chosen to continue to remain in the Prevention of Food Adulteration Department. In the circumstance, we find that the contention raised by and on behalf of the respondents is fully justified.

4. In the circumstances, we dispose of the present OA with direction to the respondents to now consider the claim of the applicant for promotion if he is otherwise found fit. This be done expeditiously and within a period of two months from the date of receipt a copy of this order. There shall be no order as to costs.

S.A.T.Rizvi

(S.A.T.Rizvi)
Member(A)

Ashok Agarwal

(Ashok Agarwal)
Chairman

/as/