

-8-

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1839/2000

New Delhi: dated, this the 11th day of July, 2001

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Smt. Gurbax Kaplash,
W/o Shri Jaswant Singh,
R/o M-8, Prasad Nagar,
New Delhi-5

.....Applicant.

(In person)

Versus

1. Delhi Administration

through
Chief Secretary,
Raj Niwas,
Delhi.

2. The Secretary of Education,

Delhi Administration,
Old Sectt.
Delhi.

3. The Director of Education,

Delhi Administration,
Old Sectt.,
Delhi.

....Respondents.

(By Advocate: Shri Vijay Pandita)

ORDER

S. R. Adige, VC (A):

Applicant seeks a direction to respondents to make her senior to Smt. Sarla Kapoor as Vice Principal with all consequential benefits.

2. Applicant had earlier filed CW No. 313/78 which upon being transferred to the Tribunal was renumbered as TA No. 172/87. In that TA applicant had challenged the final seniority list of Head Mistresses (Rs. 300-600) working in MCD Middle Schools as on 30.6.70 and transferred to Delhi Admin. w.e.f. 1.7.70 and circulated vide letter dt. 6.4.77 in which inter alia applicant was shown junior to Smt. Sarla Kapoor, while in the draft seniority list issued earlier she was shown as senior to Smt. Sarla

9-

Kapoor. The Tribunal after noting that Smt. Sarla Kapoor had been appointed as Head Mistress pursuant to Circular dated 23.11.59 and became senior to applicant, even though applicant was appointed as TGT earlier, by its order dated 17.7.90 dismissed the OA. While doing so the Bench held that the seniority in the grade of TGT could not over ride the seniority to be fixed on the basis of appointment to the higher grade of Head Mistress, and if the petitioner had any grievance against the promotion of her alleged juniors to the post of Head Mistress, which promotion took place in 1959-60, she should have agitated the matter at that time or within a reasonable period thereafter.

3. RA No.112/90 filed against that order was rejected on 28.9.90, upon which applicant filed SLP No.11069/91 in the Hon'ble Supreme Court against the said order which was also rejected on 26.9.91.

4. Applicant now contends that respondents have issued a tentative list of Vice Principals vide their letter dated 13.2.97, in which they have disturbed the final seniority list of Head Mistresses dated 6.4.77 and brought down Smt. Sarla Kapoor from Sl. No.14 to between Sl. No.33 and 34. It is further stated that some of ~~her~~ ^{Smt. Kapoor} seniors in the aforesaid list dated 13.2.97 were shown junior to her in ^{an earlier} the seniority list dated 18.2.88, and on that basis applicant wants her own seniority to be placed above Smt. Sarla Kapoor.

5. Applicant's claim for placement above Smt. Sarla Kapoor in the seniority list of Head Mistresses was specifically considered by the Tribunal and rejected by its order dated 17.7.90. R.A.No.112/90 filed against

that order was rejected on 28.9.90, and SLP No.11069/91 filed in the Hon'ble Supreme Court against those orders was likewise rejected on 26.9.91.

6. Thus, in so far as applicant's claims for seniority above Smt. Sarla Kapoor is concerned, the same has been considered and decisively rejected. We are bound absolutely by those decisions and it is now not open to us to readjudicate applicant's claim for seniority above Smt. Sarla Kapoor, even if, as contended by applicant, Smt. Sarla Kapoor's own seniority has been altered relative to certain others.

7. It is also not denied that applicant has retired on superannuation. The OA is dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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