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Central Administrative Tribunal, Principal Bench

Original Application No.206 of 2000

New Delhi, this the 26th day of July, 2000

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Hon'ble Mr.Justice Ashok Agarwal Chairman
Hon'ble Mr.V.K.Majotra, Member (Admnv)

1. Shri Inder Jit, S/o Shri Chaman Singh, aged about 68 years and residence of B3A/292, Janakpuri, New Delhi-110058 and retired as Principal Govt. Boys Senior Secondary School No.2, Khyala under Directorate of Education, Govt. of N.C.T. of Delhi.
2. Shri R.K.Goel s/o Shri Shiv Narain aged about 64 years and resident of 6359/7 Gali No.1, Dev Nagar, Karol Bagh, New Delhi-5 and retired as Principal Sarvodaya Bal Vidyalaya, Qutab Road, Delhi-6 under Directorate of Education, Govt. of N.C.T. of Delhi.
3. Shri Mahendra Singh son of Shri Hira Lal, aged about 69 years and resident of 72, Rampura, Delhi-110035 and retired as Vice Principal G.B. Secondary School Roshanpura Road, Delhi, under Directorate of Education, Govt.of National Capital Territory of Delhi.
4. Shri Yash Pall Kaura son of Late Sh.Gurdial Mal aged about 67 years and resident of D-826, Saraswati Vihar,Delhi-34 and retired as Principal Govt.Boys Senior Secondary School No.1, Madangir Sector IV, New Delhi-19 under Directorate of Education, Govt. of National Capital Territory of Delhi.

- Applicants

(By Advocate Shri Gyan Prakash)

Versus

1. Govt. of N.C.T. of Delhi, Through Chief Secretary, 5,Sham Nath Marg, Delhi-110054
2. The Directorate of Education, Govt. of N.C.T. of Delhi, Old Secretariat, Delhi-110054
3. Deputy Controller of Accounts,Directorate of Education, Govt. of N.C.T.. of Delhi, Old Secretariat, Delhi-110054

- Respondents

(By Advocate Shri Harvir Singh)

ORDER (Oral)

By Justice Ashok Agarwal, Chairman.-

Applicants who are four in number by the present OA seek direction to the respondents to grant

(7)

Selection Scale of Rs.2200-75-2650-EB-75- 2800-100-3000-
EB-100-4500 to Post-Graduate Teachers (PGT) in terms of
their Order No.1 dated 29th October, 1998 at
Annexure-A-1. The applicants had either been appointed
or promoted as PGTs in early 1960s in the Directorate of
Education, Delhi. Subsequently, they were promoted as
Vice Principals. Applicant no.1 had been further
promoted as Principal. All the applicants have retired.
Particulars of the applicants' ^{service} have been mentioned at
page 5 of the OA.

2. By aforesaid order being Order No.1 issued on
29th October, 1998 at Annexure-A-1 it was decided to
grant Selection Grade to PGTs in the scale of Rs.2200-
75-2650-EB-75-2800-100-3000-EB-100-4500. Accordingly,
PGTs who had completed 12 years service in the senior
scale have been granted aforesaid selection scale with
effect from the dates shown against their names in the
list annexed to aforesaid order dated 29th October, 1998.

3. Certain other applicants whose case is
identical or similar to that of the applicants herein
had earlier instituted OA 2386 of 1999 (Gajraj Singh and
others Vs. Govt. of N.C.T. and others, claiming the
very same reliefs which are claimed in the present
application. Aforesaid OA 2386/99 was decided by this
Tribunal on 8th February, 2000. By way of reply, the
respondents in the said OA had stated that the delay in
implementing the order of 29th October, 1998 was due to
the fact that the Deputy Director concerned had sought
clarification from the Accounts Section so that the pay
of the individuals is not fixed wrongly. It has further
been stated that the respondents have now issued

directions to the Deputy Director to implement the order dated 29th October, 1998 as per rules on top priority basis. Based on this statement aforesaid OA was disposed of with the direction to the respondents to make payment to the applicants therein expeditiously and in any case within a period of three months from the date of receipt of a copy of that order. Applicants therein were also held entitled for interest at 12% per annum from the dates it had become due to the date of actual payment in respect of the arrears. In case of applicants who had retired, respondents were directed to extend retiral benefits accordingly.

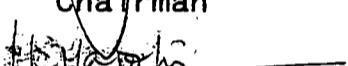
4. After disposal of aforesaid OA on 8th February, 2000, it is the case of the respondents in the present OA that the Government of NCT Delhi by its Office Memorandum of 5th May, 2000 issued certain clarifications. The respondents have accordingly stated that pending cases of the applicants herein will be decided in the light of aforesaid clarifications contained in aforesaid Office Memorandum of 5th May, 2000.

5. Having regard to afore-stated facts, we find that the ends of justice will be met by issuing directions to the respondents to consider the claim of the applicants for grant of Selection Scale in terms of their Order No.1 dated 29th October, 1998 at Annexure-A-1 as also the clarification contained in Office Memorandum dated 5th May, 2000 which is annexed at Annexure-R-1 to the counter within a period of two months from the date of service of this order upon them. Ordered accordingly. The applicants be paid the arrears that will be found due to them along with interest at the

rate of 12% per annum from the date the same have become due till payment. If found eligible, the applicants will also be granted their retiral benefits accordingly. The payments be made to the applicants within a period of one month from the date of the decision to be taken by the respondents, which has been directed to be taken within a period of two months as stated hereinabove. It is clarified that it will be open to the present applicants, if so advised to onces again approach the Tribunal in case orders adverse to them are passed by the respondents. The O.A. is disposed of with the above directions. No order as to costs.


(Ashok Agarwal)

Chairman


(V.K. Majotra)

Member (Admnv)

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