

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2506/2000

New Delhi, this 27th day of September, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri M.P. Singh, Member(A)

- 1. Kashmir Chand Garg
3/41, Sehdev Street
Vishwas Nagar, Shahdara, Delhi
- 2. Smt. Kundal Rani
8/37, Guria Mohalla
Shahdara, Delhi
- 3. R.K. Ghai
E-28, Radhey Puri, Delhi .. Applicants

(By Shri V.K.Malhotra, Advocate)

versus

- 1. Lt. Governor
16, Rajpur Road, Delhi
- 2. Director of Education
Old Sectt., NCT Delhi
- 3. Addl. Director (Adult Education)
5/9, Under Hill Road
Delhi Adm, NCT, Delhi .. Respondents

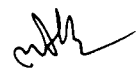
(By Shri George Paracken, Advocate)

ORDER(oral)

By Shri M.P. Singh

The short point that needs determination in the present OA is whether the action of the respondents in denying stagnation increments and senior scale to the applicants herein is legally justified.

2. Heard the learned counsel for the parties at length and perused the records. The uncontroverted facts leading to the present OA are that the applicants were appointed as TGTs in the Directorate of Education (DoE, for short) w.e.f. 27.9.70, 26.11.73 and 15.10.71 respectively. While working as such they were sent on deputation to the Deptt. of Adult Education (DoAE, for short) in the said Directorate as Supervisors w.e.f. 4.9.82, 17.10.80 and 3.7.1981 respectively. A policy



decision was taken by the Government to abolish the posts of Supervisors etc. in the Deptt. of Adult Education vide order dated 24.11.89 and the applicants were directed to join duty as TGT in different schools. The grievance of the applicants in the present OA is that one Shri B.S.Rana similarly placed like them had filed OA No.2065/95 which was decided on 15.4.1997 and pursuant to this Shri Rana was granted senior scale as per the recommendations of the 4th Pay Commission w.e.f. 1.1.86. Applicants also want this benefit to be extended to them. Senior scale was introduced in the Department for TGTs on the recommendations of the 4th Pay Commission w.e.f. 1.1.86 with the stipulation that it was to be granted after completion of 12 years of regular service in the grade as TGTs. Therefore, the stand taken by the respondents in so far as the applicants are concerned is that the applicants had not completed 12 years of regular service in the grade of TGTs as on 1.1.86, after excluding the period spent by them on deputation in DoAE as Supervisors. The period spent on deputation has been excluded for the reason that deputation in the ex-cadre post has not been considered as teaching period.

3. In so far as the judgement in the case of B.S.Rana (supra) is concerned, finding was given by the Tribunal directing Shri Rana to make out a case in a representation to R-2 therein who in his turn would consider his claim after giving a proper opportunity of hearing and pass reasoned order. Thus, there was no direction by the Tribunal in its order to grant Shri Rana senior scale. Admittedly, Shri Rana had completed 12

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years service as TGT. Thus he became eligible for the grant of senior scale and the same was granted to him by order dated 16.11.99. In view of this factual position, respondents' counsel contends that applicants cannot compare themselves with that of Shri Rana to claim senior scale when they have not completed 12 years of service as TGT, which is the pre-requisite for grant of senior scale as per the instructions issued on the subject. In so far as stagnation increment is concerned, respondents admit that the same was granted to some of the TGTs wrongly and later on it was withdrawn by intimating the individuals accordingly and applicants should have no grievance on this account.


4. We find from the records available before us that the first applicant (Shri Garg) has joined as TGT in DoE on 27.9.70 and proceeded on deputation to DoAE on 4.9.82, applicant No.2 (Smt. Kundal Rani) has joined as TGT on 26.11.73 and proceeded on deputation to DoAE on 17.10.80, whereas the third applicant (Shri Ghai) has joined as TGT on 15.10.71 and proceeded on deputation to DoAE on 3.7.81. They continued to work on deputation as Supervisors and after abolition of the post of Supervisor, these applicants were sent back to DoE as TGT vide order dated 7.11.90. From the aforesaid facts, it is clear that none of the applicants has completed 12 years service as TGT^{as on 1-1-86} after excluding the period spent by them on deputation in DoAE. As per Rules, senior scale is to be given to those TGTs who have completed 12 years as TGTs as on 1.1.86. After excluding the period of

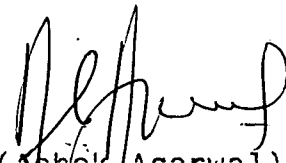


deputation, applicants are not eligible for grant of senior scale. On the same analogy, they are not eligible for grant of stagnation increments.

5. We also find from the judgement of Shri Rana (supra), that the only direction given by this Tribunal was to the effect that Shri Rana was to make out a case in a representation to R-2 in that OA who in his turn would consider his claim after giving a proper opportunity of hearing and pass a reasoned order. Thus the contention of the applicants that senior scale was granted to Shri Rana by the Tribunal in its order dated 15.4.1997 is totally incorrect. It was only after Shri Rana made a representation to the respondents and when the respondents found that he had completed 12 years service as TGT on 1.1.86 after excluding the period of deputation in DoAE, he was granted senior scale. Admittedly, applicants had not completed 12 years as TGT as on 1.1.86 and therefore they are ^{not} eligible for the senior scale.

6. Therefore, we do not find fault with the action taken by the respondents not to grant senior scale to the applicants. In view of this position, we find that the OA is devoid of merit and deserves to be dismissed. We do so accordingly. No costs.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

/gtv/