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Central Administrative Tribunal  
Principal Bench

O.A.No.372/2000

Hon'ble Shri Justice B. Panigrahi, Chairman  
Hon'ble Smt. Chitra Chopra, Member(A)

New Delhi, this the 14<sup>th</sup> day of November, 2006

Sh. B.K.Vashishta  
S/o Sh. P. Singh  
aged about 46 years  
r/o B-50, Gali No.2  
North Chhajjupur  
Shahdara, Delhi – 110 094.  
Presently working as T.G.T. (Science)  
in Sarvodaya Boys Senior Secondary School  
B-2, Yamuna Vihar  
Delhi – 110 053. .... Applicant

(By Advocate: Sh. Sudershan Ranjan)

Vs.

1. Govt. of NCT of Delhi  
Through Chief Secretary  
Govt. of NCT of Delhi  
5, Sham Nath Marg  
Delhi.
2. The Secretary Education  
Govt. of NCT of Delhi  
Old Secretariat  
New Delhi.
3. Director of Education  
Directorate of Education  
Old Secretariat, Delhi.
4. Joint Director of Education (Admn.)  
Directorate of Education  
Establishment II Branch  
Old Secretariat  
Delhi. ... Respondents

(By Advocate: Sh. Vijay Pandita)

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ORDER

By Justice B. Panigrahi, Chairman:

This application has sought to implement the recommendation dated 10.3.1999 and pursuant to such recommendation to promote the applicant as PGT (English) from the date his junior was promoted. It has been interalia prayed for grant of consequential benefits including seniority from the date of such promotion.

2. Factual scenario leading to this application is as follows:

3. The applicant joined respondents' office as TGT on 01.11.1983. Subsequently, he obtained his Post Graduate Certificate in M.A. (English) in 1993 from Agra University. He claimed to have achieved eligibility for being considered for promotion as PGT (English). There was an advertisement in February, 2004 by which the Teachers who had completed five years of service as TGT were asked to submit their application with Post Graduate Certificate so that their records could be updated by 15.3.1994 to consider them for promotion as PGT. The respondents issued a list of TGTs who were to be promoted as PGTs but the applicant's name curiously was omitted in the aforesaid list. On 20.7.1994, 124 more teachers were again promoted as PGTs from TGTs. Even in the said promotion list, the name of the applicant did not figure therein. Three TGTs, junior to the applicant, namely, S/Shri Pushkar Saxena, Suresh Chand Sakya and Ram Niwas Sharma were promoted vide order dated 7.4.1994. Mr. Ram Pal Singh, undisputedly junior to the applicant

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in acquiring MA qualification, was also promoted. Therefore, he has filed the present case in this Tribunal for the aforesaid relief.

4. The respondents have filed their reply by stating that the applicant being ineligible for the year 1993-94, his case, therefore, was not considered from TGT to PGT. It has been further stated that in the DPC meeting held on 29.3.1994 in which the names of Pushkar Saxena, Suresh Chand Sakya and Ram Niwas Sharma were recommended, who had achieved their eligibility criteria by 31.12.1992 which was prior to the applicant. Therefore, they were considered for promotion to the aforesaid post. Since the applicant acquired eligibility criteria afterwards, thus, he was not considered for the post of PGT. The Tribunal accepting the submission of the respondents, was inclined to dismiss the application. Therefore, the applicant being aggrieved by and affected with the order, filed Civil Writ Petition No.5149/05 before the Hon'ble High Court of Delhi, which was disposed of on 25.5.2006 by which the Original Application was directed to be reheard after taking into account the effect and impact of list produced by the Administrative Officer under the Delhi Right to Information Rules, 2001.

5. Be it noted that certain developments had taken place during the pendency of the Writ Petition. The applicant has sought for the seniority list by invoking the provisions of Right to Information Act. In the aforesaid seniority list, the applicant's name figured against Sl. No.1119. In the promotion list dated 17.6.1996, 12 TGTs were promoted to the post of PGTs, in which the name of the applicant was significantly omitted.


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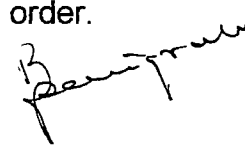


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6. Mr. Sudershan Rajan, learned counsel appearing for the applicant has advanced his contention with strong intensity of conviction that palpable error was committed by ignoring the name of the applicant for being considered to the post of PGT whereas the applicant's junior Charu Dev, whose name had been described against SI.No.385, was given promotion with effect from 10.3.1995. In the seniority list, as described above, the applicant's name had been reflected against SI. No.1119 whereas the name of Charu Dev was reflected against SI. No.1635. Thus, he could not have been given promotion to the post of PGT, unless the applicant's service record was deplorably unsatisfactory. In this case, the respondent-authorities could not bring any adverse record to show that the applicant was rightfully ignored.

7. In view of the above, we have no other option but to direct the respondents to consider the applicant's case for the post of PGT from the date when his junior had been given promotion and if he is otherwise found suitable, to provide him all consequential service benefits. This exercise be completed within three months from the date of receipt of the communication of this order.

  
(Smt. Chitra Chora)  
Member(A)

  
(B. Panigrahi)  
Chairman

/rao/