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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1728/89

New Delhi this the 13th day of May, 1994

CCRAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. P. T. THIRUVENGADAM, MEMBER (A)

P. C. Garg S/O K. N. Garg,
R/O B-28, Panchwati,
Delhi-23.

... Applicant

By Advocate Shri S. K. Bisaria

Versus

1. Lt. Governor Delhi through
Chief Secretary,
Delhi Administration,
Delhi.

2. Director of Education,
Delhi Administration,
Delhi.

3. Shri A. N. Garg,
Principal,
Govt. Boys Sr. Sec. School,
B-Block, Shalimar Bagh,
Delhi - 110052.

... Respondents

By Advocates Shri Vinay Sabharwal &
Mrs. Meera Chhiber

O R D E R (CRAL)

Shri Justice V. S. Malimath -

The petitioner has a grievance to make in regard to his seniority in the cadre of Post Graduate Teachers (PGTs) and in regard to promotion to the cadre of Principals. His prayer in this application is for a declaration that he is senior to respondent No.3, Shri A. N. Garg, and for a further declaration that he shall be deemed to have been promoted w.e.f. 14.9.1988, the date on which respondent No.3 was

promoted to that post, after quashing his appointment. The petitioner and others had challenged the final seniority list of PGTs dated 10.8.1979 in a writ petition filed in the High Court of Delhi which, on transfer to the Tribunal, was numbered as T-533/85. That transferred application was disposed of on 17.8.1988 with a direction to the respondents to prepare revised seniority list in accordance with law. The respondents made an attempt to carry out the direction as is evident from the order Annexure-4 dated 2.2.1989 wherein there is a reference to the judgment of the Tribunal and the action taken by them to assign rank 285A to the petitioner in the seniority list of PGTs. It is necessary to point out that in the final seniority list which was impugned in the earlier case, the third respondent was placed at Sl. No. 329 whereas the petitioner was placed at Sl. No. 330. The proposal as per Annexure-4 is to accord to the petitioner rank 285A meaning thereby a rank above respondent No.3. Objections for the said proposal were called for. Before any final decision could be taken by the respondents in pursuance of the order Annexure-4, the petitioner approached this Tribunal with the present application in which relief as already summarised, has been prayed.

2. When this matter was taken up for hearing today, the learned counsel for the respondents placed before us order No.21 dated 10.5.1994 passed by the Additional Director of Education (Adm.) by which

the petitioner has been assigned rank 285C in place of his old rank 330. Shri Srinivas Goel has been assigned rank 285A in place of his old rank 298, and Shri Jai Prakash Arora has been assigned 285B in place of his old rank 309. This order thus makes it clear that the petitioner has been granted the first relief of his being placed above respondent No.3 in the seniority list. Though belatedly, action has been taken by the respondents.

3. The only other relief that falls for consideration is about the promotion of the petitioner to the cadre of Principals as on the date on which respondent No.3 who is junior to the petitioner, was promoted. It was brought to our notice that during the pendency of these proceedings the petitioner has been promoted to the cadre of Principals. Now that the petitioner has gained in the final seniority list, it is obvious that his case for promotion to the cadre of Principals has to be considered in the light of the revised seniority as now earned by him by the order dated 10.5.1994. Hence, an appropriate direction in this behalf is justified.

4. For the reasons stated above, this application is partly allowed. The respondents are directed to consider the case of the petitioner for promotion to the cadre of Principals as on the date on which his junior was promoted on the basis of the revised ranking assigned to him as 285C by the order dated 10.5.1994. If the petitioner is found fit and suitable

and accorded a date of promotion earlier than the date on which he has actually been promoted, he shall be accorded all consequential benefits flowing from such retrospective promotion. This direction shall be carried out within a period of four months from the date of communication of this order.

No costs.

5. Before concluding, we should say that when this matter came up on the last occasion, as none appeared for the Delhi Administration, we requested Mrs. Meera Chhiber, who is a counsel on the panel of the Delhi Administration, to take notice and get ready and appear before us. Accordingly, she has entered appearance and appeared before us. Today, Shri Vinay Sabharwal, counsel, also submitted that he has been authorised to appear in this case and he also appeared before us. Both of them have assisted the court in representing the Administration. It, therefore, follows that both the learned counsel are required to be paid the fee in accordance with rules.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

V. S. Malimath

(V. S. Malimath)
Chairman

/as/