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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 2403/89

New Delhi this the 11th. day of May, 1994.

Shri Justice V.S. Malimath, Chairman.

Shri P.T. Thiruvengadam, Member(A).

Raj Kumari,
R/o 20/2 (Flats),
West Patel Nagar,
New Delhi.

... Petitioner.

None for the petitioner.

Versus

Director of Education,
Old Secretariat,
Delhi.

... Respondent.

By Advocate Mrs. Avnish Ahlawat.

ORDER (ORAL)

Shri Justice V.S. Malimath.

None appeared for the petitioner. Mrs Avnish Ahlawat, Counsel, appeared for the respondent. As this is an old matter, we consider it proper to look into the records, hear the learned counsel for the respondent and dispose of the case on merits.

2. The petitioner, Raj Kumari, was a Junior Craft Teacher in the scale of Rs.425-640. Some percentage of Junior Craft Teachers are given the selection grade of Rs.600-750. The next promotional cadre for the Junior Craft Teachers is Senior Craft Teachers in the grade of Rs.440-750. The selection grade for Senior Craft Teachers carries the pay scale of Rs.740-880. When such was the position, the

posts of Junior Craft Teachers were upgraded and merged with the cadre of Senior Craft Teachers with effect from 5.9.1981. As a consequence, the cadre of Junior Craft Teachers which includes selection grade Junior Craft Teachers stood abolished. All the Junior Craft Teachers including the selection grade Junior Craft Teachers were enblock placed below the then existing Senior Craft Teachers and the selection grade Senior Craft Teachers. The petitioner was not awarded the selection grade in the cadre of Junior Craft Teachers / ^{as} on 5.9.1981. She filed a writ petition in the High Court of Delhi praying for a direction to grant her selection grade w.e.f. 1.1.1973. That writ petition stood transferred to the Tribunal where it was renumbered as T-1254/85. That application was allowed by the Tribunal on 30.1.1987 and the respondents were directed to grant selection grade of Rs.600-25-750 in the Junior Craft Teachers cadre w.e.f. 1.1.1973 and give consequential benefits of arrears. That judgement was complied with. The petitioner was, however, not satisfied with the compliance. Her claim was that she was entitled to the selection grade of Rs.740-880 and the corresponding scale of Rs.1640-2900 w.e.f. 1.1.1986 consequent upon the revision of pay-scale. As this

question could not be gone into the contempt petition filed by the petitioner, she was given liberty to approach the Tribunal by way of a fresh O.A. for relief. It is in this background that the petitioner has presented this application wherein she has prayed for grant of selection grade in the scale of Rs.740-880 w.e.f. 5.9.1981 and the corresponding scale of Rs.1640-2900 w.e.f. 1.1.1986. She has also prayed for quashing of the integrated seniority list, Annexure XI, by which all the Junior Craft Teachers including the selection grade Junior Craft Teachers as on 5.9.1981 were enblock placed below the then existing Senior Craft Teachers and the selection grade Senior Craft Teachers. She has also prayed for consequential directions and arrears, etc.

3. It is necessary to bear in mind that when the petitioner got the benefit of the selection grade of Rs.600-750 w.e.f. 1.1.1973 in pursuance of the directions of the Tribunal, it did not bring about her transformation from the status of a Junior Craft Teacher to that of a Senior Craft Teacher. She continued in the cadre of Junior Craft Teachers but in the selection grade. She could aspire to become selection grade Senior Craft Teachers only by the process of promotion even though she had become selection grade Junior Craft Teacher and was in the higher scale of Rs.600-750 than the scale

of Senior Craft Teacher which carries the pay-scale of Rs.440-750. In such an event, her pay would have been protected on such promotion. By the process of upgradation of the Junior Craft Teachers including selection grade Junior Craft Teachers, they were merged with the cadre of Senior Craft Teachers. Hence, all the Junior Craft Teachers including the selection grade Junior Craft Teachers had to be placed below all the Senior Craft Teachers as on 5.9.1981 for the simple reason that those who are in the feeder cadre could not be placed above those who are in the promoted cadre. As already stated, though the petitioner got the selection grade, she continued to remain in the feeder cadre and did not acquire the status of the Senior Craft Teacher. That could have been done only by the process of promotion. Hence, the decision of the authority in placing the Junior Craft Teachers including the selection grade Junior Craft Teachers cannot be faulted.

4. We fail to see how the petitioner can claim the pay scale attached to the selection grade Senior Craft Teachers. She could claim that scale only after she became a Senior Craft Teacher and then got selected and appointed to the selection grade in the cadre of Senior Craft Teachers. That did

not take place as on 5.9.1981. She could come into the cadre of Senior Craft Teachers only by the process of upgradation. As she got into the said cadre by upgradation and rightly placed below the then existing Senior Craft Teachers, she has to work out her rights for getting the selection grade of Rs.740-880 on coming within the zone of consideration in that cadre. Those who were senior to her in that cadre would undoubtedly get precedence over the petitioner. She cannot automatically get the selection grade of Senior Craft Teachers as a consequence of upgradation of the cadre of Junior Craft Teachers. The action taken by the authorities in not giving the grade of Rs.740-880 cannot, therefore, be faulted.

5. For the reasons stated above, this petition fails and is dismissed. No costs.

P. T. Thiruvengadam

(P.T. Thiruvengadam)
Member(A)

V.S. Malimath

(V.S. Malimath)
Chairman

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