

(5)

IN THE CENTRL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No 453/86

Date of decision 15.7.92.

G.S. Kapoor

Applicant

Shri B.S. Charya

Counsel for the applicant

vs.

Union of India

Respondents

Mrs. Avnish Ahlawat

Counsel for the respondents

CORAM

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman(J).

The Hon'ble Mr. LP. Gupta, Member (A).

J U D G M E N T (ORAL)

In this application, the applicant was appointed as a Trained Graduate Teacher on 28.10.1959 and he was promoted as Post Graduate Teacher w.e.f. 12.8.67. The applicant has sought the relief that the respondents should be directed to release the arrears of pay amount^{ing}/ to Rs. 9840.45 to which he is entitled as a result of grant of Selection Grade of the post of T.G.T. from the revised date of 1.1.73 to 12.8.78 with interest at the rate of 12% per annum.

2. The learned counsel for the applicant drew our attention to judgment dated 20.9.73 in the case of Nand Kishore & Others vs. Lt. Governor, Delhi Administration, wherein it was observed that:

"The object of revision of pay scales and creating selection grade posts was to benefit teachers and not to harass the senior confirmed trained graduate teachers. It could never be the object that permanent and senior trained graduate teachers who had been found fit for officiating on the higher posts of Post Graduate Teachers were to be deprived of the advantage of being placed in the selection grade and persons junior to them as a trained graduate teacher should get that benefit."

The learned counsel for the applicant said that in pursuance of this judgment, the petitioners in that case alongwith the applicant in the present O.A. got a revised confirmation order confirming them from 6.9.71 instead of 5.9.71. The counsel for the applicant further stated that the applicant would be entitled to get the selection

grade sanctioned for T.G.T. as he has been confirmed as a Post Graduate Teacher from a date after 5.9.71.

3. On the question of limitation, the learned counsel for the applicant drew our attention to the averments made in the counter to the effect that the arrear bill was drawn up but withheld vide letter dated 8.5.85 and, therefore, he said that the case did not come under the cover of the clause relating to limitation.

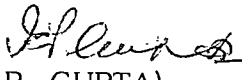
4. The learned counsel for the respondents submitted that the applicant was confirmed as a P.G.T. with effect from 6.9.71. Having been confirmed as P.G.T. from 6.9.71, he obviously lost his lien in the post of T.G.T. The selection grade for T.G.T. cannot therefore, be claimed by the applicant from a date after 6.9.71 because he had no lien in the lower post thereafter. There is considerable substance and weight in this argument of the learned counsel for the respondents, but our attention was drawn to an annexure (P-III, page 20 of the application) where a list of some Trained Graduate Teachers was given. The learned counsel for the applicant of TGT argued that others in this list were also given the selection grade/ from 1.1.73 though they had been confirmed from 6.9.71/ in PGT. The counsel for the respondents did not have the details of these cases and, therefore, she could not make any averment in this direction.

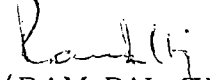
5. Keeping in view the facts of this particular case and the arguments of the learned counsels, we direct that in case selection grade of T.G.T. has been allowed to any teacher from 1.1.73 though he was confirmed as P.G.T. with effect from 6.9.71 and if no orders for any withdrawal of the amounts already released have been given, the case of the applicant should not be discriminated against and his dues in regard to the arrears consequent upon the grant of selection grade should be released in a similar fashion early, preferably within a period of three months from the date of receipt of a copy of this order.

6. Regarding interest on the arrears due, we observe that the applicant himself made a request in writing to the Principal to encash his arrear bill after 31.3.85. The bill was withheld by order dated 8.5.85. Therefore, in case the arrear amount is payable, subject to the conditions laid down above, simple interest at the

rate of 12% per annum would be admissible from 1.6.85 till the date of payment.

7. With the aforesaid directions, the O.A. is disposed of with no order as to costs.


(L.P. GUPTA)
MEMBER (A)


(RAM PAL SINGH)
VICE-CHAIRMAN (J)