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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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DATE OF DECISION : 10.09.1992

1. O.A. No. 423/87
Shri Krishan Kant ...Applicant
Vs.
Union of India & Ors. ...Respondents
2. O.A. No. 537/87
Shri S.S. Rastogi & Anr. ...Applicants
Vs.
Union of India & Ors. ...Respondents
3. O.A. No. 568/87
Mrs Sudesh Mehta & Anr. ...Applicants
Vs.
Union of India & Ors. ...Respondents
4. O.A. No. 638/87
Smt. H.K. Bagga & Anr. ...Applicants
Vs.
Union of India & Ors. ...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicants ...Shri Rajeev Sharma,
Counsel

For the Respondents ..Mrs. Avnish Ahlawat,
Counsel

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*

JUDGEMENT

In OA 423/87, Shri Krishan Kant was working as

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Deputy Education Officer, Television Branch, Directorate of Education. The grievance of the applicant is that he represented w.r.t. the order dt. 28.8.1984 for grant of stagnation in increments, but the same has not been allowed and he has claimed the relief that the applicant be given stagnation increment according to his eligibility giving the benefit of the order dt. 28.8.1984.

2. In OA 537/87, Shri S.S. Rastogi and Shri Sajjan Singh have filed the joint application. Applicant No.1 was working as Deputy Education Officer, SPCD Cell and applicant No.2 was working as Principal, GBSSS, Bogampur, New Delhi. Both of them have a grievance of non grant of stagnation increment.

3. In OA 568/87, Mrs. Sudesh Mehta and Miss Vimla Talwar jointly filed the application. Applicant No.1 was working as Deputy Education Officer, SEERT, Defence Colony, New Delhi and applicant No.2 was working as District Education Officer, Zone 18, District South, Defence Colony, New Delhi. Both of them have also the grievance of non grant of stagnation increment.

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4. In OA 688/87, Shri H.K. Bagga and Shri Bhan Pal Singh jointly filed this application. Applicant No.1 was working as Principal, CGSS, Naraina and applicant No.2 was working as Principal in GBSSS, Anandvas, New Delhi and they have also the same grievance of non grant of stagnation increment.

5. Since all these applications are for the same relief, so they are taken up together. Shri Krishan Kant, applicant in OA 423/87, was promoted as Principal w.e.f. 21.5.1971. Shri S.S. Rastogi, applicant No.1 and Shri Sajjan Singh, applicant No.2 in OA 537/87 were promoted as Principal w.e.f. 6.1.1970. Mrs. Sudesh Mehta, applicant No.1 and Miss Vimla Talwar, applicant No.2 in OA 568/87 were promoted as Principal w.e.f. 6.12.1965 and 19.8.1964 respectively. Shri H.K. Bagga, applicant No.1 and Shri Bhan Pal Singh, applicant No.2 in OA 688/87 were promoted w.e.f. 20.11.1967. The facts common to all the cases are that all the applicants were promoted as Principal by the duly constituted DPC with effect from the aforesaid dates. There are about 370 posts of male and female Principals in the Directorate of Education, Delhi

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Administration. There are certain posts in the Directorate of Education, Delhi for which only Principal can be transferred and the name of such posts are Deputy Education Officer in Television Branch, Field Officer in the State Institute of Education/Science Branch, Lecturer in State Institute of Education, Science Counciller in Science Branch, Deputy Education Officer in Sports. In the Directorate of Education, there are total^v four districts and 28 sessions in four districts. There is one post of Deputy Education Officer in each session. The Principals are transferred to these above mentioned posts and while transferring them, the respondents never take their option. The pay scale of the Principal as well as of the above named posts is same, i.e., Rs.1100-50-1600 (pre revised) and w.e.f. 1.1.1986 the revised pay scale is Rs.3000-100-3500-125-4500. There is a joint seniority list of the Principals as well as these officers, who are posted in any of the above named posts in the Directorate of Education. The respective posting of the applicants at the relevant time on these posts is given

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in the chart below :-

Sl.No. of the applicant	Post held	Post on transfer
1. Sh.Krishan Kant	Principal	Deputy Education Officer, Television Branch by the order dt. 3.8.1983
2. Sh.S.S.Rastogi	Lecturer, State Institute of Education	Deputy Education Officer in 1984
3. Sh.Sajjan Singh	Principal	Deputy Education Officer in 1978.
4. Mrs.Sudesh Mehta	Principal	Deputy Education Officer, Directorate of Education, Zone-III in 1984
5. Miss Vimla Talwar	Principal	Deputy Education Officer, South w.e.f. 1.5.1971
6. Smt. H.K. Bagga	Principal	Field Advisor, Science Branch in 1982.
7. Sh.Bhan Pal Singh	Principal	Senior Science Counciller in 1978

The case of the applicants is that initially every person is appointed as Teacher in the Directorate of Education, Delhi Administration. After the promotion, teachers become Principals in due course of time. The post mentioned above in the Directorate of Education has to be filled up by way of transfer of any Principal of the school. The Government by the letter dt. 28.8.1984 and by another letter dt. 5.9.1984 (Annexures 2 and 3) granted for the first time two stagnation increments and another third stagnation increment to the Principals, teachers and Librarians working in the educational

institutions. The letter dt. 23.8.1984 is reproduced

below :-

"SUBJECT : Grant of stagnation increments-sanction regarding

Sir,

I am directed to say that two stagnation increments-one with effect from 5.9.82 and the other from 5.9.83 were granted to teachers working in schools in various Union Territories (except Chandigarh) vide this Ministry's letter No.F.5-233/82-U.T.I (Sch.6) dated 11 April 1983 and 6 September, 1983. The Principals, Vice-Principals, Librarians and Lab.Assistants working in schools in various UTs had been representing since then that they should also be extended the benefit of two stagnation increments, allowed to teachers. Their case has been under consideration of the Government of India for quite some time. It has now been decided that they may also be allowed the benefit of two stagnation increments as granted to teachers. Accordingly, I am directed to convey the sanction of the President for the grant of two stagnation increments-one with effect from 6.9.82 and the other from 5.9.83 to Principals, Vice-Principals, Librarians and Lab.Assistants working in schools in various Union Territories (except Chandigarh).

The expenditure involved in the implementation of these orders will be met out of the matching savings to be located by the respective U.Ts. from within their own sanctioned budget grant.

This issues with the concurrence of the Ministry of Finance vide their U.O. No. 3497/E-III/84, dated 13 August.

Similarly another letter dt. 5.9.1984 sanctioned the grant

of third stagnation increment (Annexure-3) and that is

reproduced below :-

"I am directed to say that it has been decided to grant another stagnation increment to such of the teachers, including Principals, Vice-Principals, Librarians, and Lab.Assistants working in schools in various Union Territories except Chandigarh, as were granted two stagnation increments earlier, one with effect from 5.9.82 and the other from 5.9.83 as per the order contained in this Ministry's letter of even number dated 11th April, 1983 read with the letter dated 8th August, 1983 and letter dated 6th September, 1983 w.e.f. 5.9.84, i.e., the Teachers Day."

The applicants have made representations for the same benefit, but they have not been granted and hence the present applications have been filed.

6. The respondents contested the applications by filing the common reply in each of the above applications. It has been averred that the policies laid down by the Union of India are to be implemented by Delhi Administration and in the instructions of the Union of India dt. 23.3.1984, it has been provided that the teachers (including Principals/Vice-Principals) working in the schools are eligible for stagnation increments. Since the applicants were not working as Principals at the relevant time, so the stagnation increment was not granted to them and as such their pay was bound to be fixed less than their junior counterparts. The clarification was also sought by the respondents by the Ministry of Human Resources Development, Department of Education, but the matter has been clarified that the benefit of the said stagnation increment can only be given to Teachers, Librarians, Lab. Assistants, Vice-Principals and Principals working in schools as mentioned in stagnation increment orders. These orders do not apply to other categories, i.e., analogous or inter-

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changeable posts or those filled from amongst PGTs/Principals etc. The benefit was restricted and could only be given to the beneficiaries who are covered under the said instructions issued by the Government of India on 23.8.1984 and 5.9.1984. Thus the respondents have stated that the applicants have not made out any case for interference.

7. I have heard the learned counsel for both the parties at length and have gone through the record of the case. It appears from the record placed in the file of Shri H.K. Bagga & Anr. Vs. Union of India & Ors. (OA 688/87) that the Ministry of Human Resources and Development, Department of Education issued OM dt. 7.4.1988 on the subject of clarification regarding stagnation of increments and the same is reproduced below :-

"I am directed to refer to your letter No.30-3(28)/83-Coord/11329 dated 25.3.88 on the subject cited above and to say that clarification as furnished by this Ministry's letter No.F.5-233/82 -U.T.I. dated 29.2.88 will also be applicable in the case of transfer from equivalent posts. Likewise those holding higher posts including the posts of Deputy Directors on ad-hoc basis will also get the benefit."

The Directorate of Education, therefore, by another letter dt. 13.4.1988 has issued instructions, which are as

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follows :-

"In continuation of this Directorate letter No.F.30-3(28)83/Coord/dated 17th March, 1988, it has been clarified by the Govt. of India that the clarification as furnished by the Ministry vide their letter No.F.5-233/82/U.T.I. dated 29.2.88 will also be applicable in the case of transfer from equivalent post. Likewise those holding higher posts including the posts of Dy. Directors on adhoc basis will also get the benefit."

These instructions leave no doubt that the stagnation increments by virtue of further clarification which appears to be given after the clarification issued by the Ministry of Human Resources and Development on 13.10.1986 (Annexure R1 to the counter), the matter was reconsidered and the stagnation increments were also made available to the officers working on analogous posts and inter-changeable to those of teachers. The matter, therefore, is cut short and if subsequently there is a decision on a policy matter by the Ministry itself, then the applicants in the Original Applications if they were entitled to that benefit cannot be denied. The clarification has been given by the Ministry without any specific direction as to the cut-off date and it shall also be deemed to apply retrospectively to the present applicants, who have been agitating the matters. The learned counsel for the respondents has also conceded the

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matter that the above quoted clarification of April, 1988 by the Ministry of Human Resources and Development, Department of Education and the order issued by the Director of Education also apply to the present applicants in all the above Original Applications. But they can get the benefit only from the date of the original issue of the instructions dt.23.8.1984.

8. In view of the above discussion, the present applications are disposed of by a common judgement in the manner that the respondents will grant the stagnation increments ^{if not already granted} in pursuance of the OM dt. 23.8.1984 referred to above as well as the OM dt. 5.9.1984 to the applicants. All the applicants shall be given the same benefit of the period they remained posted on transfer and working on analogous posts, inter-changeable to those of Principals and they shall be entitled to the arrears and refixation of pay on that account in the revised pay scale as recommended by the Fourth Pay Commission and accepted by the Government. The applicants shall also be entitled to the revised pensionary

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benefits if the same has not been given to them.

In the circumstances, the applications are disposed of without any order as to the cost.

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J. P. Sharma
(J.P. SHARMA) 10/9/92
MEMBER (J)