

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. 688/87

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, Begampur,

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

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 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 those 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

in the chart below :-

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Sl. Name of the No. 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

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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."

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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. 23.8.1984,

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-

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.

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

B.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 :-

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"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 these 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 out 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, 198

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. 23.8.198

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 pensioner

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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.

(J.P. SHARMA) 18/9/9,
MEMBER (J)

AKS

Attested

Pruthi

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