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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. O.A. 712/87. Date of decision: 19.10.1992.

Smt. S.K. Arora.

...Petitioner.

Versus

Union of India & Ors.

...Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the petitioner.

Shri N. Safaya,
Counsel.

For the Respondents.

None.

JUDGEMENT(ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

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The petitioner joined his career as Senior Craft Teacher on 23.5.1955 under the Delhi Administration. On 26.11.1971, the Government of India passed an order to the effect that 15% of the permanent posts shall be regarded as selection grade posts and the benefit of selection grade of Rs.740-880 granted. This order was modified on 4.3.1976 increasing the percentage from 15% to 20%. It further stated that it is the permanent as well as temporary posts, which were in existence for 3 years or more w.e.f. 1.1.1973 have to be taken into account for the purpose of determining the selection grade posts. It further stated that the persons concerned will be eligible for arrears of pay w.e.f. 1.1.1973. The petitioner was actually accorded selection

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grade vide order Annexure 'F' dated 17.3.1986 w.e.f. 1.4.1982. The petitioner made a representation claiming that she should be given the benefit of selection grade w.e.f. 1.1.1973 in accordance with the Government of India's Order dated the 4th March, 1976. As there was no response to the representation of the petitioner, she approached this Tribunal for appropriate relief.


2. None appeared for the respondents. They have, however, filed a reply which we have perused. The stand taken by the respondents is that the requisite number of posts were not available as on 1.1.1973 of the selection grade to give the benefit of that grade to the petitioner on the sole ground that she stands at Sl. No. 1 in the seniority list of the Senior Craft Teacher. Therefore, it follows that even if one post of selection grade was available as per the Government of India's order dated 4.3.1976, the petitioner would be entitled to the benefit of the selection grade w.e.f. 1.1.1973.

3. In the reply filed by the respondents, they have stated that as on 1.1.1973, there were only four posts which were in existence for more than 3 years as on 1.1.1973. As the upgradation is possible only if there were requisite number of five posts, the stand taken by the respondents is that the petitioner is not entitled to selection grade w.e.f. 1.1.1973. There is apparent error in wrongly understanding the scope of the order dated 4.3.1976. The respondents have understood the Order as conveying that the temporary posts which were in existence prior to 1.1.1973 alone have to be taken into account. On a plain reading of the order dated 4.3.1976, we find this is not the correct position. What has been provided is that the number of posts should exist for a

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period of three years w.e.f. 1.1.1973. If the temporary posts were in existence for a period of three years, they have to be added to the number of posts for arriving at 20% of the posts which are required to be regarded as selection grade posts. There is apparent error in wrongly understanding the scope of the order dated 4.3.1976. The respondents have produced the seniority list as on 1.1.1973 consisting of 22 Senior Craft Teachers (Female) as per Annexure 'D', out of them only three persons at Serial Nos 13, 18 and 20 became Senior Craft Teachers (Female) after 1.1.1973. The remaining 19 persons were holding the posts of Senior Craft Teachers prior to 1.1.1973. Thus, we find there are 19 posts which included three permanent posts and sixteen temporary posts which were in existence for more than three years w.e.f. 1.1.1973. Hence, there was scope for more than three posts to be declared as selection grade posts. As the petitioner is at Serial No.1 in the seniority list, she was entitled to the selection grade w.e.f. 1.1.1973.

4. For the reasons stated above, this petition is allowed. The respondents are directed to accord the benefit of selection grade in the cadre of Senior Craft Teachers w.e.f. 1.1.1973. The difference in emoluments shall be calculated and arrears paid to the petitioner within a period of four months from the date of receipt of a copy of this judgement. No costs.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN