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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.A.No.2212/90

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

HON'BLE MR.JUSTICE S.C.MATHUR CHAIRMAN
HON'BLE SHRI P.T.THIRUVENGADAM MEMBER (A)

Shri Brij Raj Singh
s/o late Shri Navnihal Singh
r/o 1/12021 Navin Shahdara
Delhi
(By none) ..Applicant

Vs.

1. The Director of Education
Delhi Administration,
Old Secretariat, Delhi.
2. Administrator,
through Chief Secretary,
Delhi Administration,
5,Shamnath Marg, Delhi.
3. Union of India, through:
Secretary,
Ministry of Education,
Shastri Bhawan, New Delhi. ..Respondents
(By Shri Arun Bhardwaj)

ORDER (Oral)

HON'BLE MR.JUSTICE S.C.MATHUR CHAIRMAN

This application is primarily directed against the order reverting the applicant to the post of senior grade drawing teacher from the post of Postgraduate teacher (drawing). Other reliefs claimed in the application flow from this relief.

2. The applicant's claim in the application is as follows:-

He was appointed junior drawing teacher in government school of Delhi Administration in the scale of Rs.160-300 on 18-7-1961. At this time three grades existed in the school, namely:

Grade I	- 179-380
Grade II	- 160-300
Grade III	- 130-300

By order dated 26-2-64 the applicant was promoted to the next higher grade namely Grade I. With effect from 27-5-70 three grade system was replaced by two grade system, as follows:

(i) Senior grade for teaching drawing to students of class XI. Rs.250-550

(ii) Junior grade for teaching drawing to students upto class X. Rs.220-430

On the introduction of the two grade system, the applicant was placed in the senior grade of Rs.250-550 and assigned to teach the students of class XI. At this time the applicant possessed the qualifications prescribed for teachers teaching drawing to students of class XI. Subsequently the minimum qualifications were raised and the applicant did not possess these qualifications. For senior grade teachers who possessed the higher qualifications post graduate scale of Rs.350-700 was prescribed. Grant of this scale only to those teachers who possessed the higher qualifications resulted in some senior teachers getting lower salary than their juniors. Some of such teachers filed writ petitions in the High Court and certain others filed original applications in the Tribunal. They all got relief. The petitioner had not taken any proceeding either before the High Court or in the Tribunal. However he was also allowed the post graduate scale by order dated 25-11-1988. This was tried to be withdrawn. In the order dated 30-5-90 (Annexure H) it is mentioned "Shri Brij Raj Singh, Drawing Teacher is hereby informed that he was reverted from the post of PGT because he was not eligible for the post as per recruitment rules." It is

20

at this stage that the applicant filed the present application.

3. On behalf of the respondents it is submitted that in the order dated 25-11-1988 the applicant's name came to be included because of the judgments passed in the legal proceedings but since the applicant was not a party to the proceedings, he is not entitled to the benefit of the said judgments.

4. We are unable to sustain the defence. It is not disputed that the applicant is similarly placed as others mentioned in the order dated 25-11-1988. Obviously the applicant would also have got relief if he had approached the court or the Tribunal. If the administrative authority gave benefit of the judgment obtained by similarly situated persons to the applicant, no error had been committed by them. Accordingly there was no occasion for the respondents to withdraw from the applicant the benefit rightly given to him.

5. The learned counsel had initially tried to submit that the application was barred by time. We are unable to agree. The order of reversion was passed on 30-5-90 and the present O.A. was filed on 11-10-90. Admittedly the period of limitation is one year from the date of accrual of the cause of action. The submission of the learned counsel is that the cause of action accrued to the applicant on the date the qualifications were altered. We are unable to accept the submission of the learned counsel. If despite alteration in the qualifications the applicant was not reverted from the higher scale to the lower scale there was no occasion for him to approach the Tribunal. The cause of action arose to the applicant only when order of reversion

(8)

was passed against him.

6. In view of the above, the application is allowed and the impugned order of reversion "22-5-89" dated 3-5-90 is hereby quashed. The applicant shall get all consequential benefits. Since no one appeared on behalf of the applicant at the time of hearing even on the second call, we make no orders as to costs.

Date substituted
via order cited
10/1/96 in RA-28378

Deplarh
5/5/96

P.T.Thiru
(P.T.THIRUVENGADAM)
Member(A)

S.C.Mathur
(S.C.MATHUR)
Chairman.