

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

14

OA No.2368/91

New Delhi this the 30th day of April, 1996.

Hon'ble Mr. B.K. Singh, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Krishan Kumar Marwah,
Son of Sh. Pyare Lal,
R/o A-247, Shiv Nagar,
New Delhi.

...Applicant

(By Advocate Sh. S.L. Pal)

Versus

1. Delhi Administration, Delhi.

2. Director of Education,
Delhi Administration,
Delhi.

...Respondents

(By Advocate Sh. B.S. Oberoi, proxy for
Sh. Anoop Bagai, Counsel)

ORDER (Oral)
(Hon'ble Mr. B.K. Singh, Member (A))

This OA-2368/91 was filed, seeking the
following reliefs:-

"i) Crossing of Efficiency Bar in the scale
of Rs.550-900 at Rs.750/-

ii) Fixation of pay after giving 15 annual
increments in the scale of Rs.1640-2900 and
Rs.2000-3500/-.

iii) Quasi Permanency and Permanency of
service.

iv) Balance of arrears according to rate of
pay and allowances admissible to him with
retrospective effect which works out to be
more than Rs.one lakh, as if the
petitioner/applicant had never been
suspended from service."

The extract of the report of the
Chattopadhyaya Committee has also been enclosed
giving the normal pay scales admissible to the
primary school, middle school, T.G.T. and P.G.T.
Teachers and the pay scales in the selection
grade. It is admitted that the applicant was



involved in a criminal case FIR No.559/76 P.S. Kingsway Camp, Delhi under Section 471 of the Indian Penal Code in which he was acquitted on 11.3.91 by the Metropolitan Magistrate, Delhi.

During the course of the arguments, the learned counsel for the applicant stated that the applicant belongs to the Technical Education Cadre which was finally merged general Education Cadre after the recommendations of the Chattopadhyaya Committee and it was also stated by him that even his juniors have got the selection grade which has been denied to him. This Tribunal will confine itself to the reliefs prayed for. A statement has been filed by the respondents at Annexure R-2 which indicates that the applicant has been allowed 20 increments in place of 15 demanded by him and he has been fixed at the maximum of the scale of pay at Rs.2900/-. This was the pay scale which has been allowed to the applicant on his appointment as a P.G.T. and this scale is admissible to those who are working as P.G.T. Teachers/Masters of Middle School. The Senior scale of P.G.T. Teachers/Head Masters of Middle School admissible is Rs.2000-3500 and this prayer is already contained in relief No.1 prayed for by the applicant. This is not a selection grade for P.G. Teachers but the normal scale of pay admissible to them after completion of 12 years. No selection is involved in this. Once he has been acquitted and the respondents have treated him in service treating the entire



(3)

16

period of suspension as spent on duty. He joined as P.G.T. in 1970^B and the entire period including the period under suspension will have to be taken into account and will be eligible to get this pay scale. He is eligible to get the next pay scale of Rs.2000-3500 without subjecting him to any selection since the claim itself envisages that he is eligible to draw this pay scale on or after completion of the 12 years of service. It is admitted that he has joined as P.G.T. Teacher on ~~7-5-91~~⁷⁻⁵⁻⁷⁰^B therefore, he has already completed 25 years of service and as such he is entitled to be fixed in the pay scale of Rs.2000-3500 from the date any of his junior has been granted that pay scale. One part of the relief prayed for by him has already been given. The respondents are also directed to consider the second part of the relief prayed for by the applicant and this should be done as expeditiously as possible and if his juniors have got the selection grade his case should also be reviewed by the competent authority whether on the basis of his performance and on his attainment of extra qualification prescribed he is eligible to get the selection grade also after granting senior scale of Rs.2000-3500.

The first relief has already been allowed and he has been fixed at Rs.750/- as prayed for by him in the scale of Rs.550-900. The Chattopadhyaya Committee and also the Fourth Pay Commission have not mentioned about quasi


^B


permanency or permanency of service and, therefore, there is no question of going beyond the rules framed on the basis of these two recommendations, i.e., Fourth Pay Commission supplemented by Chattopadhyay Committee. As regards 4th relief, the respondents have already categorically stated that they have paid the entire arrears due to the applicant without any interest since no prayer has been made by the applicant regarding payment of interest on the payment of arrears and, therefore, we are not in a position to consider giving any direction regarding interest in the light of the judgment of the Supreme Court that if a relief is not sought, the same cannot be allowed by the Court/Tribunal. It is open to the applicant to file a fresh O.A. regarding payment of interest on arrears, if so advised. There has been a substantial compliance of the reliefs sought for by the applicant, except his prayer to allow him the senior scale of pay of Rs.2000-3500 and if he is eligible for further promotion to the selection grade which should be considered by the competent authority, if he is otherwise eligible and suitable. The selection grade will be considered on the basis of the attainment of qualifications prescribed by the competent authority from the date his juniors were given this grade, if he is otherwise eligible. The O.A., therefore, succeeds and is allowed. The respondents are directed to comply with the


(5)

18

aforesaid instructions within a period of three months from the date of receipt of a certified copy of this order.

M.A. ~~2920/95~~ ^{2916/95} is also accordingly disposed of. 


(Dr. A. Vedavalli)
Member(J)


(B.K. Singh)
Member(A)

'Sanju'