

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

17

O.A. No. 2565/1991

New Delhi this the Day of 26^K August 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)
Hon'ble Shri K. Muthukumar, Member (A)

1. Shri Rameshwar Das Gupta
Son of Late Dewan Singh
Resident of 990, Timarpur,
Delhi.
Presently working as Social
Education Worker in the Adult
Education Branch
Directorate of Education
Delhi Administration,
Delhi.

2. Shri Shyam Lal
Son of Shri Ayodhya Prasad,
Village Baktawarpur,
Delhi-110 036.

Petitioners

(By Advocate: Mrs. Avinash Ahlawat)

-Versus-

1. The Delhi Administration,
((Service to be effected on
The Chief Secretary,
Delhi Administration,
5, Alipur Road,
Delhi.
2. The Director of Education,
Delhi Administration,
Old Secretariat,
Delhi.
3. The Additional Director of Education,
(Adult Education),
Delhi Administration,
5/9 Under Hill Road,
Delhi

Respondents

(By Advocate: Shri Rajinder Pandita)

ORDER

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

Petitioners were originally appointed as untrained teachers in Social Education Branch of Directorate of Education in the scale of Rs. 95-155 w.e.f.1.7.1956. By an order dated 15.6.1970 these Social Education Workers were appointed on temporary basis to the post of Lower Division Clerks in the scale of Rs. 110-180 under Rule 32

of Delhi Administration Subordinate Rules of 1957. The petitioners continued in the post till they were reverted to the post of Social Education Worker which they were holding prior to 1970, by an order dated 28.5.1990 and they were relieved from the post of Grade IV (LDC) DASS with immediate effect. Consequent upon the said reversion, the petitioners made a representation stating that now that the petitioners have been reverted to the post of Social Education Workers, their appointment to LDCs, DASS, would be treated as on deputation and the petitioner are therefore entitled to promotion to the next higher post of Supervisor in the parent cadre while they were on deputation. It was also claimed that the petitioners may be treated as promoted w.e.f. 1986 when the Junior to the petitioners were promoted in the parent body in the post of Supervisory. It was also claimed that the retirement age in the DASS was 58 years while in the education department for teachers it was 60 years and their posts in the Adult Education Branch may be treated as the post of a teacher, as the initial appointment was as untrained teacher in the year 1952 and the benefit of extended retirement age viz., 60 years may also be granted to them.

The respondents in their reply stated that posts of Supervisor in Adult Education Branch have been abolished w.e.f. 30.11.1990 and all the 13 incumbents including one already retired were reverted to the original substantive post of Social Education Worker by an Order dated 6.6.1991. It was also stated that this reversion order has been challenged vide OA 1465/91 in the matter of Smt.

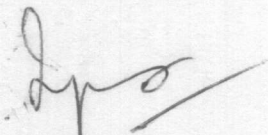
Shanti Devi & Ors. It was also stated that the department is only having five posts of Supervisors (Social Education as vacant).


With regard to the retirement age of 60 years, it was stated that the petitioners are Social Education Worker and they are not teachers under the department and it is only teachers in the regular school who are entitled to the benefit of the retirement age of 60 years. In the circumstances the relief claimed by the petitioners are not maintainable.

We have gone through the entire record, documents and pleadings and the counsel were heard at length. The case of the respondents is that the posts of Supervisors in Adult Education Branch have been abolished w.e.f. 30.11.1990 while the petitioners were still holding the posts of LDC at the given time and were reverted by 28.5.1990. But the case of the petitioner was that they are entitled to the post of Supervisors in the parent cadre w.e.f. 21.7.1986 when their juniors have been promoted in the parent body to the post of Supervisor. It was shown in the representation by the petitioner that in the seniority list of the Social Education Worker the petitioners were shown at serial no. 22 and the Social Education Workers upto the serial No. 107 have already been promoted as Supervisor. Both the petitioners have in the meantime superannuated and in the circumstances we are of the opinion that the ends of justice would be met if a direction is issued to the respondents to consider the promotion of the petitioners in the parent cadre to the post of Supervisors w.e.f. 21.7.1986, the date on which, admittedly, his juniors have been promoted to the post of

Supervisors. In case the petitioners are found otherwise eligible under the then existing rules, the respondents shall pass an order of promotion, only for the purpose of pay fixation and to arrive at the last pay drawn for the purpose of calculating the pensionary benefits to the petitioners. It is made clear that the petitioners will not be entitled to any arrears of payments or seniority etc. except the notional pay fixation for the purpose of revising the pensionary benefits from the date they retired.

With these, this OA partly allowed no order as to costs.


(K. Muthukumar)
Member (A)


(Dr. Jose P. Verghese)
Vice Chairman (J)

Mittal