

DATE OF DECISION : 29.04.92

O.A. NO. 1158/1992

MRS. VEE NA MAHAJAN

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

HON'BLE SHRI J.P. SHARMA, MEMBER (J)

...MS. MEENAKSHI

FOR THE APPLICANT

...NONE

FOR THE RESPONDENTS

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The present application has been filed against the grievance of the applicant for non fixation of her pay scale as language teacher from the date she was eligible and possessed all the requisite qualifications of T.G.T. scale or at least from the date, her juniors had been promoted. In the present case, the applicant has claimed the relief for direction to the respondents to promote the applicant as T.G.T. from 1.7.1976 with all consequential benefits and in the alternative direct the applicant for scale of T.G.T. ^{from 1983} attestation with all consequential benefits and pay all the arrears and other benefits.

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2. I heard the learned counsel at the admission stage itself. It is not disputed that the applicant filed Suit No.159/1983 for declaration and mandatory injunction in the Court of Sub Judge, Delhi which was transferred to the Tribunal and registered as T.A. 299/1986. In that case, she prayed for a declaration that she is entitled to the pay scale of language teacher in the pay scale of Rs.440-750 from the date of her appointment or from the date when similar benefit was extended to other teachers in similar position and to restore the teaching job of the applicant to higher classes. The said application was disposed of by the judgement dt.10.6.1988. In this judgement she was not held eligible to a higher grade. However, a direction was given to the respondents to consider the case of the applicant according to rules keeping in view her experience and qualifications. Her case for promotion to the pay scale of Rs.450-750 also was not accepted. However, a direction was given to the respondents to consider the case of promotion of the applicant once again according to rules within a period of three months from the date of receipt of the orders. The respondents, by the order dt.26.7.1990, promoted the applicant to the post of T.G.T. (Hindi) in the pay scale of Rs.1400-2600 and she was allotted district-East. The applicant in this case wants promotion from 1.7.1976 and in

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alternative from 1983. The earlier Transfer Application was decided by the Bench on 10.6.1988 and all these matters were considered and only a direction was issued to the respondents to consider the case of promotion of the applicant once again. Promotion once given has to take effect from the date when it is allowed. The application for grant of higher pay scale since 1976 or 1983 besides being barred by time, cannot now be agitated in view of the judgement in T.A. 299/1986 decided on 10.6.1988 by the Principal Bench, a copy of which is at p-17 of the paper book. The application is, therefore, barred by res judicata and the same is not maintainable and is dismissed in limine at the admission stage itself.

AKS

Praceep
(J.P. SHARMA)
MEMBER (J)

29.4.92