

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...

OA No. 73 of 1993

11

New Delhi, this the 12th day of January, 1999

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

In the matter of:

Mrs. N. Saralamma w/o Sh. K.K. Satyapalan,
R/o 874-Gulabi Bagh,
Delhi- 110 007.Applicant

(By Advocate: Shri M.M. Sudan)

Vs.

1. The Lt. Governor of Delhi through
the Chief Secretary,
Delhi Administration,
5, Sham Nath Marg,
Delhi.
2. The Director of Education,
Delhi Administration,
Old Secretariat, Delhi.
3. The Deputy Director of Education,
North District,
Lucknow Road,
Delhi.
4. Union of India through
The Secretary,
Ministry of Human Resources Development,
Department of Education,
Shastri Bhawan,
New Delhi.Respondents.

(By Advocate: Shri Vijay Pandita)

ORDER (ORAL)

delivered by Hon'ble Shri R.K. Ahooja, Member (A)

The applicant was initially recruited as a Primary School Teacher under the Andaman & Nicobar Islands Administration (hereinafter referred to as A & N Administration) in 1962. She was granted the selection grade w.e.f. 5.9.1971. She submits that her husband who was then Tehsildar under the A & N Admn. was promoted to the DANIC Service and was thereafter posted under the

On

Delhi Administration. The applicant who was a handicapped person thereupon made a request for absorption under the Delhi Administration. This request was acceded to and she was absorbed w.e.f. 16.10.1978 under the Delhi Administration. Consequent upon the recommendations of the 4th Central Pay Commission, the selection grade scale of Rs. 530-630/- was replaced by the revised scale of Rs. 1400-2600/- vide order dated 11.12.1989. Her pay was thereafter fixed at Rs. 2050/- in the replacement pay scale of Rs. 1400-2600/-. Meanwhile the Govt. of India had decided to grant a selection grade to Primary School Teachers in the scale of Rs. 1640-2900/-, subject to the condition that the senior pay scale of Rs. 1400-2600/- will be given after 12 years and selection grade 12 years thereafter. The claim of the applicant is that as she had already rendered the requisite length of service she was entitled to be placed in the selection grade of Rs. 1640-2900/- on completion of 18 years of service (on the basis of subsequent amendment). She has also submitted that as the relevant orders and circulars regarding pay revision were not circulated she could not claim the said relief earlier.

2. Respondents have in their reply submitted that the applicant was taken on the strength of Delhi Administration only from 16.10.1978 and counting her seniority from this period, she is far below in the seniority list and is not entitled to the grant of selection grade as many seniors are still waiting for their turn.

3. We have heard the learned counsel for the parties. Shri Sudan, learned counsel for the applicant has argued at length that, ^{as} the Delhi Administration had not given protection of her pay scale on the date of her absorption, the applicant would be entitled to count her previous service for the purpose of calculation of qualifying period for grant of the selection grade. We are unable to agree with this contention. The order dated 19.9.1986 Annexure A-9 clearly states that she was being absorbed on the clear understanding that Delhi Administration would bear no liabilities towards pension, gratuity or any other benefits on account of past service rendered by her under the A & N Islands Administration. The condition of liability towards pension and gratuity in connection with permanent absorption was, however, later waived off. However, there is no indication in this order that her seniority on the basis of her past service rendered in the A & N Islands Administration would be protected. Accordingly her seniority under the Delhi Administration has been counted from the date of her permanent absorption. It is not the contention of the applicant that her seniority has been wrongly fixed or that persons senior to her in the seniority list are yet to be granted selection scale. In view of this position we do not consider that the applicant can claim the grant of selection scale merely on the basis that she has rendered the requisite length of service of 18 years for grant of selection scale. We also agree with the learned counsel for the respondents that since persons admittedly senior to the applicant have not yet been

On

(14)

considered for grant of selection scale, any relief sought for if granted to the applicant would create complications for the department.

4. In view of the facts and circumstances of the case, we find no ground for interference and accordingly dismiss this O.A. No costs.

~~R.K. Ahooja~~
(R.K. Ahooja)
Member (A)

~~na~~

~~12.1.99.~~
(T.N. Bhat)
Member (J)