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Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.1008/93  
MP No.1370/93

Date of decision: 31.05.1993.

Shri G.C. Pandey and Others ...Petitioners

Versus

Delhi Administration and Anr. ...Respondents

Coram: The Hon'ble Mr. I.K. Rasgotra, Member (A)  
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioners Ms. Anuradha Kaushik, Counsel.

Judgement(Oral)  
(Hon'ble Mr. I.K. Rasgotra)

The learned counsel for the petitioner asked for more time today which we declined, as on the first date when the petition had come up a similar request was made and two weeks' time was granted to her to supplement the O.A. we are, therefore not inclined to entertain today a similar request. When the case was taken up the issue of limitation was raised by the Bench. The learned counsel was heard on limitation. However, inspite of that in the course of dictation of the order the learned counsel persisted with interruptions. In the course of arguments she had drawn our attention, to the fact that she had made an averment that the petitioner was working as a PGT. In this connection she referred us to paragraph-4 of the facts of the case. After reading the relevant paragraph the learned counsel conceded that this was a mistake on her part and no such averment was made. In the above circumstances we consider it appropriate to proceed on merits and dispose of the case.

2. Heard the learned counsel for the petitioner. The petitioner has challenged the order NO.158 dated 13.11.1992 of the Directorate of Education. This order has been issued in

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supersession of Office Order No.1 dated 1.1.1990. The order dated 1.1.1990, which is at Annexure-V (page 38 of the paperbook) purports to promote some Drawing Teachers listed therein in pursuance of the verdict of the C.A.T. dated 17.4.1989 in C.C.P. No.186/88 in T.75/85 (formerly C.W.P. No.1312/73). The petitioner Shri G.C. Pandey's name is not in the said order while it includes the name of several of his juniors starting from serial No.14 Shri D.S. Vashishta. The order of 13.11.1992 is an identical order inasmuch as it repeats the same names. Further it is observed from page 22 of the paperbook which is corrigendum dated 21.9.1988 that petitioner Shri Pandey, Drawing Teacher was assigned seniority at serial No.321A insted of 212. This order relegates the seniority of the petitioner by over 100 places in the seniority list of Drawing Teachers.

3. By way of relief the petitioner has prayed that the order dated 13.11.1992 where the respondents have promoted the person who was junior to the petitioner without considering him be quashed and that the petitioner be granted P.G.T. scale from the date his juniors have been promoted as P.G.T., i.e., 3.1.1974 by issuing a mandamus to the respondents.

4. As adverted to earlier, in this case the cause of action for the petitioner arose essentially when his seniority was revised downwards by over 100 places by order dated 21.9.1988. Thereafter the petitioner neither appeared in the order of the respondents dated 1.1.1990 which is a promotion list to the posts of T.G.T nor in the subsequent order.

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4. At this stage, the learned counsel for the petitioner submitted that she would like to withdraw the petition with liberty to file a fresh one, in accordance with law, if so advised. Accordingly, the O.A. is dismissed, as withdrawn, reserving liberty to the petitioner to reagitate the matter in accordance with law, if so advised. No costs.

*J.P. Sharma*

(J.P. Sharma)

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Member (J)

*I.K. Rasgotia*

(I.K. Rasgotia)

Member (A)

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