

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 1010/2021

This the 13th day of May, 2021

(Through Video Conferencing)

**Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. Ashish Kalia, Member (J)**

Shri Janak Singh, Aged 62 years
 S/o Sh. Budh Singh,
 Vol. Retired TGT (Sanskrit) (ID No.19910105)
 From Directorate of Education, GNCT of Delhi,
 R/o Vill. & PO Khatta Phaladpur, Distt. Bhagpat (UP).

... Applicant

(through Advocate: Shri Yogesh Sharma)

Versus

1. Govt. of NCT of Delhi,
 Through the Chief Secretary,
 New Secretariat, New Delhi
2. The Director of Education,
 Govt. of NCT of Delhi,
 Old Secretariat, Delhi
3. The Deputy Director of Education,
 Govt. of NCT of Delhi,
 District North-East-2, Yamuna Vihar,
 B-Block, Delhi-53.
4. The HOD/Vice-Principal,
 Govt. Boys Sr. Sec. School,
 Babbarpur, Shadara, Delhi-32.

... Respondents

(through Advocate: Shri Amit Yadav for Ms. Esha Mazumda)



ORDER (Oral)

Hon'ble Mr. Ashish Kalia, Member (J):



Heard.

2. The applicant along with other similarly situated candidates was initially selected for appointed as TGT (Sanskrit) in the year 1984. However, subsequently, the panel of 1984 was cancelled. Aggrieved by the same, similarly situated persons approached this Tribunal and the matter went upto the Hon'ble Supreme Court and certain benefits were granted by the Apex Court vide Judgment dated 4.8.1989 passed in Civil Appeal No.1900/1987. In compliance of the said Judgment, the applicant was also given joining as TGT (Sanskrit) on 21.2.1991 and he had worked on the said post till 17.9.2017. The similarly situated persons have also filed OA NO.1790/2008 for notional fixation of their pay from 1984, i.e., from the penal year, which was granted to them by this Tribunal vide Order/Judgment dated 15.5.2009 passed in the said OA and the said Order/Judgment of this Tribunal was upheld by the Hon'ble Delhi High Court vide Order dated 12.12.2009 passed in Writ Petition (Civil) NO.12987/2009 and the Review Application No.02/2011 was also dismissed by the Hon'ble Delhi High Court vide Order/Judgment dated 7.1.2011. According to the applicant, although SLPs (SLP(C) No.16284-16285/2011) were also preferred against the



aforesaid Orders/Judgments of the Hon'ble Delhi High Court before the Hon'ble Supreme Court, but the same were disposed of as having become infructuous as the aforesaid Order/Judgment of this Tribunal was implemented by the respondents vide order dated 14.10.2011 and against the said order dated 14.10.2011, the respondents filed Review Petition Nos.66-67/2013 before the Apex Court but the same were dismissed vide Order/Judgment dated 23.1.2013. The applicant is claiming that he is similarly situated person and as such he is entitled for the similar benefits in terms of the aforesaid judicial order passed by this Tribunal. The applicant has issued a legal notice dated 23.12.2020 through his counsel as although the respondents had themselves passed order dated 1.7.2013 whereby they had decided to implement the aforesaid Order/Judgment of this Tribunal but the said benefits have not been extended to the applicant.

3. In the facts and circumstances, we are of the considered view that this Application is premature as without exhausting departmental remedy, the applicant has approached this Tribunal for redressal of his grievance. In view of this, we hereby grant two weeks' time to the applicant to make a detailed representation describing his grievance with legal position and the respondents may dispose of the same by passing a reasoned and speaking order within a period of six weeks thereafter.



4. We make it clear that while disposing of this OA in the aforesaid terms, we have not gone into the merits of the claim of the applicant. However, we give liberty to the applicant in case he is not satisfied with the decision so taken by the respondents on his detailed representation, he may approach this Tribunal for redressal of his grievance.

5. With the aforesaid observations, the present OA is disposed of. No order as to costs.

(Ashish Kalia)
Member (A)

(A.K. Bishnoi)
Member (J)

/ravi/daya/