



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

O.A. No.1588/2021

This the 11thday of August, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Bhawana Sharma
Teacher, Group – ‘B’ Employee MACP
Age – 42 years,
W/o Sh. Yogesh Sharma,
R/o GF -2, Plot No. 34,
VidhayakClony, Nyaykhand – 1,
Indrapuram, Distt. Ghaziabad
Uttar Pradesh – 201014.
Mob: 9910265146

...Applicant

(By Advocate: Mr. M. Rais Farooqui)

Versus

1. East Delhi Municipal Corporation
Through its Commissioner,
Office – 419, UdyogSadan,
Patparganj Industrial Area,
New Delhi – 110092.
2. Additional Director (Education)
EDMC Education Department,
Shahdara South Zone,
AnandVihar, New Delhi – 110092.
3. South Delhi Municipal Corporation
Through its Commissioner,
Dr. Shyama Prasad Mukharjee Civic Centre,
JawaharLal Nehru Marg,
New Delhi – 110002.

...Respondents

(By Advocate:Mr. Manjeet Singh Reen for R-1 & 2
and Ms. Manisha Tyagi for R-3)



ORDER (ORAL)

Hon'ble Ms. Manjula Das:

The applicant was initially engaged as Teacher (Primary) in the Municipal Corporation of Delhi on contractual basis and worked as such for a considerable period. The respondents issued an Advertisement for appointment to the post of Teacher (Primary), vide Post Code No.16/08. According to the applicant, being eligible, she submitted her application form to participate in the selection process, claiming age relaxation on the ground of being a departmental candidate. She was permitted to appear in the examination and qualified the same. On declaration of the result, she did not find herself in the list of selected candidates and her candidature was rejected being overage. Feeling aggrieved by this, she filed O.A. No. 1598/2012 praying for relaxation of the age being departmental candidate. Vide order dated 19.07.2013, this Tribunal, placing reliance on the decision of the Hon'ble High Court in Writ Petition (C) No.1641/2011, allowed the O.A., and respondents were directed to declare the result of the applicant by giving age relaxation and offer her appointment as Teacher (Primary). In compliance thereof, the applicant was appointed to the post of Teacher (Primary) in East Delhi Municipal Corporation and she



joined as such on 21.11.2014. She completed her probation period of two years on 20.11.2016.

2. The applicant submitted that in an approved list of Modified Assured Career Progression Scheme dated 26.03.2021, her name did not find place, and it was informed that her initial appointment was fixed as 01.07.2015, instead of 05.01.2010. She stated that Babita Kumari and Deepa Vijay were also appointed like the applicant and in their cases, the dates of appointment were fixed as 05.01.2010 and 02.02.2009, respectively. Challenging the inaction of the respondents, the applicant filed the instant O.A. with the following reliefs:

"(i) Direct the respondents to fix the date of initial appointment of the applicant as 05.01.2010 and grant financial upgradation giving first MACP due on 05.01.2020 in addition to MACP list approved on 26.03.2021 by the respondents to the post of Teacher Shahdara South Zone of East Delhi Municipal Corporation.

(ii) Direct the respondents to give all consequential service benefits including Seniority and increments to the applicant w.e.f. 05.01.2010.

(iii) Direct the respondents to revise and include the name of the applicant in MACP list approved on 26.03.2021 by the respondents to the post of Teacher Shahdara South Zone of East Delhi Municipal Corporation.

(iv) Any other/further order(s) instruction(s) and direction(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case, my also kindly be passed in favour of the applicant and against the respondents."

3. Learned counsel for applicant submitted that the applicant has preferred a representation dated 18.06.2021 to consider the seniority and increment, fixing the date of



appointment as 05.01.2010, and grant her the 1st MACP from the said date. The said representation is still pending consideration by the respondents. The applicant prayed for disposal of the said representation within a fixed timeframe.

4. In this view of the matter, without going into the merits of the matter, we dispose of the O.A. at the admission stage itself, giving direction to the respondents to decide the representation dated 18.06.2021 preferred by the applicant and pass a speaking and reasoned order, within a period of three months from the date of receipt of a copy of this order, under intimation to the applicant. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

August 11, 2021
/sunil/jyoti/mbt/dd/

(Manjula Das)
Chairman