

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH,  
ALLAHABAD**

**ORIGINAL APPLICATION NO. 1025 OF 2007**

ALLAHABAD THIS THE 30th DAY OF April, 2008

**HON'BLE MRS. MEERA CHHIBBER, MEMBER-J**  
**HON'BLE MR. N.D. DAYAL, MEMBER-A**

Prabhu Nath Yadav, Aged about 48 years, S/o Sri Ram Raj Yadav, R/o Bishnupurva, Muskan Bank Wali Gali, Deoria Road, Kunara Ghat, Gorakhpur, presently working as Post Graduate Teacher, Kendriya Vidyalaya No.I AFS, Gorakhpur

.....Applicant

(By Advocate Shri Rakesh Verma)

**V E R S U S**

1. Union of India through Secretary, Ministry of Human Resources and Development, Kendriya Vidyalaya Sangathan, New Delhi.
2. The Joint Commissioner (Admn.) 18 Institutional Area, Shahid Jeet Singh Marg, New Delhi.
3. The Asstt. Commissioner (Administration and Finance), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi.
4. The Regional Grievance Officer, Kendriya Vidyalaya Sangathan, Kankar Bagh, P.O. Lohia Nagar, Patna.
5. Sri R.C.S. Dhapola, S/o not known, working as Vice Principal, Kendriya Vidyalaya, Gwal Dham (P.G.II).
6. The Principal, Kendriya Vidyalaya No.I, AFS, Gorakhpur.

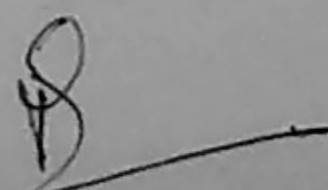
.....Respondents

(By Advocate: Sri N.P. Singh)

**O R D E R**

**BY MEERA CHHIBBER, MEMBER-J**

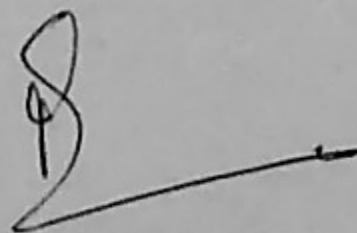
By this O.A., the applicant has challenged order dated 2.9.2005 as far as it relates to the





promotion of respondent no.5 on the post of Vice Principal (page 17-18 Sl. No.25). It is submitted by the learned counsel for the applicant that throughout the applicant has been shown senior to the respondent no.5 in the seniority lists of PGT (Chemistry), which is evident from the seniority lists annexed by the applicant alongwith his O.A. Yet, the respondents have promoted the respondent no.5 as Vice Principal by ignoring the case of the applicant. Being aggrieved, he filed a representation before the respondents on which he was initially informed that since the applicant is appointee of 1988, he did not come within the zone of consideration for promotion as Vice Principal, therefore, he could not be considered for promotion as Vice Principal (page 21). However, when the applicant pointed out that the respondent no.5 R.C.S. Dhapola was also appointee of 1988 and was below in the seniority list, the respondents passed the following order on 15.6.2007:

"I am to invite your attention to the representation dated 28.5.2007 received from Sri Prabhu Nath Yadav PGT (Chemistry), Kendriya Vidyalaya No.I, Gorakhpur with a copy to you stating that his juniors were promoted as Vice Principals and to inform you that Sri R.C.Dhapola and Sri Y.N. Rai PGTs were initially appointed in 1984. As such as per their seniority numbers in the old PGTs seniority lists they were within the zone of consideration for promotion as Vice Principal during the year 2005-06. Being an appointee of 1988 Sri Prabhu Nath Yadav was not within the zone of consideration for promotion as Vice Principal during the year 2005-06. Sri Prabhu Nath Yadav, PGT (Chemistry), Kendriya Vidyalaya No.I, Gorakhpur may be informed accordingly."

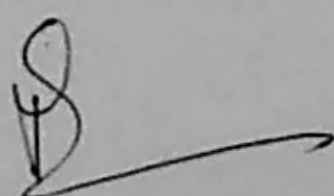




2. The respondents in their Counter Affidavit have taken the plea that the applicant was 1988 appointee as PGT (Chemistry) while respondent no.5 was appointee of 1984 and applicant's seniority no. is 3971-A in the old seniority list of PGTs, while the seniority of Sri R.C.S. Dhapola is at sl. No. 2779-A. and, they have taken into consideration the PGTs only upto sl. No. 3000 as per old seniority list, therefore, the applicant could not be considered for promotion.

3. We have heard both the counsel and perused the pleadings as well.

4. In the O.A., the applicant has annexed all the seniority lists starting from the years 1997 onwards. The first memorandum dated 19.3.1997 is annexed at page 41, as per which the name of those candidates who were appointed between 1.5.1987 and 30.4.1988 but their names were omitted were to be incorporated in the seniority list of PGTs. In this list, the name of the applicant finds place at sl. No. 125 (page 44) with his date of appointment as 20.12.1988 and seniority number allotted is 3971-A, while Sri R.C.S. Dhapola-respondent no.5 is shown at sl. No. 139 wherein he is shown to be appointed on 1.8.1988 and his seniority number is allotted as 4001-A. Thereafter, the seniority list of PGTs upto 1998 is annexed at page 46 and at page 48 the same position is reflected, even the date of appointment





is shown as 20.12.1988, while Sri R.C.S. Dhapola is shown to be appointed on 1.8.1988. In the seniority list as on 1.1.2002 (page 49) at page 52 again the applicant is shown above Sri R.C.S. Dhapola. In the seniority list upto 1.1.2003 (page 54-56) the same position is continued and even in the latest seniority list issued as on 1.1.2004 (page 57) at sl. No.60 the applicant is shown at sl. No. 200 while Sri R.C.S. Dhapola is shown at sl. No. 204 and both are shown to be appointee of 1988. It is, thus, clear that in all the seniority lists, which have been annexed by the applicant, the respondent no.5 is shown to be appointee of 1988 as PGT (Chemistry).

5. In the Counter affidavit, though respondents have stated that the respondent no.5 was appointee of 1984, but they have not annexed any supporting document alongwith their Counter Affidavit except making a bald statement. It is relevant to note that in Rejoinder Affidavit, applicant has annexed the documents, which he had received pursuant to an application made by him under Right to Information Act, 2005. Perusal of same shows even as per the select panel of PGTs (Chemistry) for the year <sup>1987-88</sup> ~~1997-98~~ the applicant is shown at sl. No.6, while the name of the respondent no.5 is shown at sl. No.7. Similarly, he has also annexed the appointment letter of respondent no.5, which was issued on 21.7.1988, which shows that Sri R.C.S Dhapola was indeed appointed as P.G.T. only in the year 1988. In

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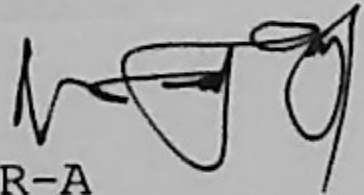


view of all these supporting documents filed by the applicant, only one conclusion can be drawn that the respondents have wrongly promoted the respondent no.5 on the post of Vice Principal by treating him to be an appointee of 1984, whereas the actual facts are otherwise. Since the respondent no.5 has throughout been shown as junior to the applicant in all the seniority list naturally applicant was aggrieved how can a person junior to him in the seniority list be considered while ignoring him.

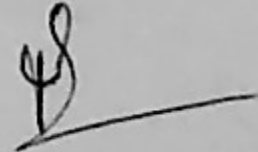
6. In view of above, we have no hesitation in quashing the promotion order of respondent no.5. Accordingly order dated 2.9.2005 is quashed to the extent it relates to promotion of respondent no.5.

7. As far as the request of the applicant that he should be promoted to the post of Vice Principal, we can only say that the case of the applicant should be considered in the Review DPC expeditiously in case he comes within the zone of consideration. In case the respondents have considered the PGTs (Chemistry) only upto seniority number 3000, then applicant cannot have any grievance.

8. In view of the above, the O.A. is partly allowed. No costs.



MEMBER-A



MEMBER-J

GIRISH/-