

retired on 31.1.80.

CENTRAL ADMINISTRATIVE TRIBUNAL

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Original Application No. 169 of 1991.

Bishesh Narain Sharma

Applicant.

versus

Union of India & others

Respondents.

Shri A.G. Sharma Counsel for Applicant.

Shri A.K. Chaturvedi Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Jhayer, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant started his service as a Teacher in Inter college in the year 1955. According to the applicant, his performance was very good with the result that he earned certain certificates and awards. He was promoted as Senior Teacher with the designation of NLT/HSS with effect from 7.12.79. According to the applicant, juniors were promoted w.e.f. 24.11.79 prior to the promotion of the applicant. He was, thus, discriminated in arbitrary and illegal manner and was not given promotion to the post of Principal. The applicant was given the charge of acting Principal on the retirement of the Principal. In the original seniority list of NLT, junior persons were shown senior to the applicant and so the applicant represented that the junior persons have been shown senior to him, and the

list may be rectified. The applicant retired on 31.1.62, holding the charge of acting Principal of the Institution. A charge sheet was served on the applicant but later on the charge sheet was dropped. The Hon'ble Supreme court raised the age of retirement of teachers to 60 years. He prayed that he may be declared as Principal in the regular pay scale of Rs 2500-3500 and Rs 3000-4500 respectively and further to declare that the applicant continued to hold his post upto 31.1.61, upto the age of retirement with consequential benefits.

2. The respondents have opposed the application and stated that so far as Senior teacher is concerned, the matter was considered by the selection committee and the applicant was superceded on the basis of grading in the Annual Confidential Reports and that is why the juniors marched over him. Mr. Ravi Das got his promotion to the post of Head Master High School on the basis of quota reserved for S.C..

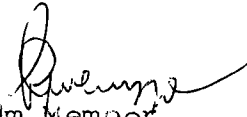
3. When the applicant was appointed as Principal, he was given charge allowance. Although it was open for the respondents to give him appointment as Principal, as no senior or those who were senior to him were given the post but the reasons best known to the respondents they did not give him promotion to the post of Principal by not referring the matter earlier. The applicant was retired as Principal and unless he was not duly


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selected, he was not entitled to regular pay scale.

Thus the applicant has been made to suffer because of the negligence and laches on the part of respondents. As the applicant has retired from service and the respondents have made him to suffer, the application has got to be dismissed and accordingly it is dismissed.

No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated 26.2.93.