

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

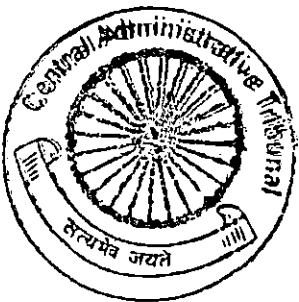
Date of Order: 12.8.2015

OA No. 506/2009

Mr. Amit Mathur, Counsel for the applicant.
Mr. Manvendra Singh, Proxy counsel for
Mr. S.K.Saini, Counsel for respondents.

The applicant prayed that he may be allowed the selection scale on the post of TGT and further may be treated as TGT(Arts) for all purpose. He also prayed for arrears of pay from the date he became eligible for the selection scale of TGT after completion of 12 years of service in scale of TGT. As a Trained Graduate Teacher he possess the qualification of graduation in Science, Post Graduation in Sociology and B.Ed. qualification. The applicant was promoted on adhoc and temporary basis to the post of PGT vide Annexure A/1 order dated 30.9.1992.

2. Vide Annexure A/3 dated 27.4.1995 the applicant was transferred and posted as TGT(Arts) in the Central Railway Middle School. The applicant submits that he is continuously teaching the Art faculty up to the year 2008 and further he was teaching since 1992 when he was promoted PGT (Arts). The applicant was assigned the Senior scale of TGT in the year 1997. The grievance of the applicant is that in spite of making the number of representations for treating him TGT Arts the respondents paid no heed over the issue. The respondents maintained the stand that as the initial appointment of the applicant was TGT Science and since he did not possess the post graduate degree in Science, therefore, he is not entitled for selection scale as he was



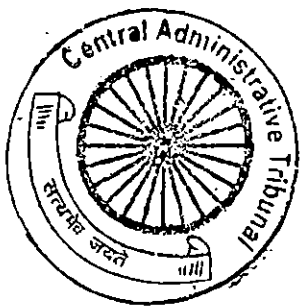
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not eligible for promotion as PGT Science.

3. In the reply filed by the respondents it is interalia stated that the applicant was selected as TGT as Science Teacher as he had the requisite qualification. After his appointment as TGT(Science) he did not acquire any post graduation degree in Science and, therefore, he is not eligible for Selection Grade. Hence the OA is not maintainable.

4. Grievance of the applicant is that the respondents have treated him as TGT Science only and have denied the benefit of selection scale. It is submitted that he was initially appointed as TGT Science and on completion of requisite service he was further allowed the senior scale after completion of 12 years. It is pointed that he was posted against the prevailing vacancy of TGT (Arts) though the applicant does not become entitled for Arts faculty for the reason of being transferred on the post of Art teacher as his lien lies in the Science faculty. It is also pointed out that only when the applicant claimed for selection scale he was transferred to Gangapur City treating as TGT Science.

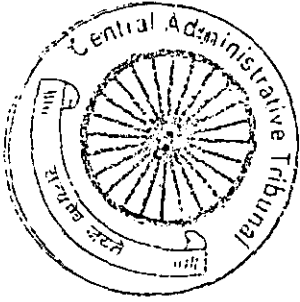
5. Repeatedly the applicant submitted representations including Annexure A/6 before the authority seeking their inference for promotion and for ventilation of his grievance. Annexure A/6 representation dated 11.3.2008 is submitted to respondent No.2. The applicant submits that despite giving the representation on one or other reason, the respondents are not paying any heed to his genuine request. It is also stated that Annexure A/6 representation is pending with respondents.



6. The applicant submits that the department has not considered the grievance of the applicant. It is for the respondent No.2 to consider his request and if his request is found genuine to extend the benefit. We, therefore, dispose of the OA directing the respondent No.2 to consider and pass a reasoned and speaking order within a period of 2 months from the date of receipt of copy of this order. The applicant shall submit a

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paper set of the OA along with copy of the order to respondents within a period of 10 days.



(MS.MEENAKSHI HOOJA)
MEMBER (A)

(JUSTICE HARUN-UL-RASHID)
MEMBER (J)

Adm/

**Certified That This is a True and
Accurate Copy of The Document/Order
As In The Case File No.
And That All The Matter Appearing
Therein Have Been Legibly and
fully Copied with no Modification.**

**Copying Clerk Section Officer(Judicial),
C.A.T. Jaipur Bench**