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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/00640/2014

**Order Reserved on 17.04.2015
Pronounced on 22.4.2015**

**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

Uman Kirti wife of S. Inderpal Singh, age 56 years, working as Nursery Teacher, Government Model Senior Secondary School, Sector 28, Chandigarh.

... Applicant

Versus

1. Chandigarh Administration through its Education Secretary, U.T. Secretariat, Sector 9, Chandigarh.
2. Director Public Instructions (School), Chandigarh Administration, Chandigarh.

... Respondents

Present: Mr. V.K. Arya, counsel for the applicant.
Mr. Rakesh Verma, counsel for the respondents.

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

- 8(i) Direction be issued to the respondents to consider the case of the applicant for promotion to the post of Hindi Teacher/SS Teacher at least notionally from the date her juniors have been promoted.
- (ii) The applicant be held entitled for other consequential benefits including seniority, notional pay and benefits of ACP etc as applicable in the case of other applicant."

As —

2. Background of the matter is that the applicant was appointed as Nursery Teacher and joined as such on 15.04.1986 and was confirmed in 1990. In the various seniority lists circulated by the respondent Department, the applicant was shown senior to Smt. Sukanya Devi and Smt. Aruna Basin. However, these persons were promoted as SS/Mistress as per order dated 09.12.2003 (Annexure A-4). The applicant submitted her representations for promotion from the date when her juniors were promoted but her grievance had not been redressed. The applicant had filed O.A. No.1604/CH/2013, which was disposed of vide order dated 09.12.2013 with liberty to the applicant to file a representation in the first instance to the competent authority. On the applicant's doing so, respondents were directed to consider the same and take a final decision in the matter. The applicant submitted her representation (Annexure A-4) but the respondents vide order dated 28.04.2014 rejected the claim of the applicant for promotion (Annexure A-15). It is stated that the order of reversion of Smt. Sukanya Devi was quashed by the Hon'ble High Court and seniority list (Annexure A-3) as it stood on 30.9.2007 was upheld. Admittedly, the applicant was senior to Smt. Sukanya Devi and Smt. Aruna Bhasin as per the seniority list hence the claim of the applicant for promoting her to the post of SS Mistress should have been allowed by the respondents.

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3. Short reply has been filed on behalf of the respondents wherein it has been stated that the applicant i.e. Smt. Uman Kirti, Nursery Teacher has been promoted as S.S. Mistress vide order No.DPI-UT-S2-11(33)2012 dated 24.11.2014 along with her senior Smt. Anita Sehgal, Nursery Teacher. The salary to all the teachers who have been promoted vide office order No.DPI-UT-S2-11(33)2012 dated 24.11.2014 and No.DPI-UT-S2-11(33)2012 dated 02.01.2015, will be released at the time of their posting.

4. In the rejoinder filed on behalf of the respondents it has been stated that in respect of clear direction, detailed reply had not been filed by the respondent. The respondents had only stated that the applicant had been promoted as S.S. Mistress vide order dated 24.11.2014 but she had not been posted anywhere and neither salary as stated in the office order dated 24.11.2014 was being paid to the applicant. The applicant was still deputed as Nursery Teacher and getting salary of Nursery Teacher.

5. When the matter was taken up for hearing today, learned counsel for the respondents was allowed to place on record the copy of order dated 13/15.04.2015, whereby Ms. Uman Kirti at Sr.

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No.26 was shown as promoted as Social Studies Mistress and posted to GMSSS-15.

6. We have heard learned counsel for the parties and carefully perused the material on record. It is clear from the content of Annexure A-15 that proper hearing had been afforded to the applicant by the Director, Public Instructions, Chandigarh on 10.03.2014 and she has accepted that the seniority list issued on 24.05.2015 as it stood on 31.03.2013 correctly shows her position at Sr. No.17 and she has no grievance regarding this seniority list. The claim of the applicant in this O.A. is based on her contention that Smt. Sukanya Devi and Smt. Aruna Basin, who were junior to her as Nursery Teacher, have been promoted as TGTs much earlier than her i.e. on 09.12.2003. However, it is also evident from the content of the order dated 01.05.2014 that the respondent Department did issue orders dated 09.05.2014 for reversion of Smt. Sukanya Devi and Smt. Aruna Basin keeping in view their seniority as Nursery Teacher but this order was quashed in CWP No.20642 of 2006 and hence these two teachers continued to function as TGTs. It is also seen that the seniority list of Nursery Teachers was changed from time to time and has perhaps been finalized as recently as on 31.03.2013 to the satisfaction of the applicant. The applicant has not stated the name of any other Nursery Teacher junior to her who has been promoted as SS Teacher prior to her own date of promotion.

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Since Smt. Sukanya Devi and Aruna Basin are continuing as TGTs by virtue of order of Hon'ble High Court in CWP No.20642 of 2006 and not due to their positions in the seniority list of Nursery Teachers, the claim for notional promotion of the applicant from the date from when these teachers were promoted cannot be considered. Hence the O.A. is rejected.

B. A. Agarwal
(DR. BRAHM A. AGRAWAL)
MEMBER (J)

R. Sandhu
(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 22.4.2015

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