

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No.284/2014
M.A. No.266/2014

Order Reserved on: 27.02.2017
Order Pronounced on: 17.03.2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)**

Mrs. Mary Pratibha Kujur
Aged 38 years
W/o Mr. R. Naveen Kujur
Working as Lecturer Pol. Sc.
Block-Q, SKV, Magarpuri,
Govt. of NCT of Delhi in Group 'C'

Resident of 113, Pkt. B-VIII,
Sector IV, Rohini, New Delhi-85.

-Applicant
(By Advocate: Shri R.C. Gautam)

Versus

1. The Govt. of NCT of Delhi through,
The Chief Secretary,
Delhi Secretariat, I.P. Estate,
New Delhi-02.
2. The Director of Education,
Govt. of NCT Delhi,
Old Secretariat, Delhi-6.

-Respondents
(By Advocate: Shri Vijay Kumar Pandita)

ORDERS

By Mr. V. Ajay Kumar, Member (J):

The applicant, who is presently working as Lecturer in Political Science under the respondents, filed the OA seeking a direction to fix her pay in the pay scale of Rs.6500-200-10500 w.e.f.

23.03.2003, with all consequential revisions and re-fixations and payment of arrears etc. It is submitted that in the year 2002, the applicant applied for PGT/Lecturer in Political Science in pursuance of a Notification issued by the respondents. The respondents declared the results in the year 2003 and as per the same the applicant, who belongs to ST category, was also selected under the said category for the post of PGT/Lecturer in Political Science. Though the respondents appointed all others who belong to the other categories such as General, OBC and SC in the year 2003 itself but not appointed the applicant by orally stating that a Court case is pending and as soon as the same is cleared, appointment order would be issued to her and other ST category candidates.

2. Finally the respondents vide Annexure A-2 dated 12.05.2009 appointed the applicant as Lecturer in Political Science and accordingly she joined as such on 09.07.2009. Thereafter though the applicant preferred number of representations seeking to fix her seniority and pay as per her merit position along with other candidates who were selected in the same selection process and belong to General, OBC and SC categories. As the respondents have not passed any order thereon, she filed the present OA along with the MA seeking condonation of delay in filing the OA.

3. The respondents through their counters filed in the OA as well as in the MA, except opposing the OA on the ground of limitation, have not stated why the applicant was discriminated in issuing appointment order when the other candidates belong to the categories of General, OBC and SC were appointed in 2003 itself and why the applicant who belongs to ST was appointed only in 2009. It is also not their case that the applicant herself is responsible in any way for the delay in her appointment. The counter has practically said nothing on facts and not denied any of the submissions made by the applicant so far as the delay in her appointment is concerned, except opposing the OA on the ground of laches and limitation in filing the OA.

4. It is true that the applicant though joined as Lecturer in Political Science in July, 2009, filed the OA on 07.01.2014, i.e., after more than four years. However, it is to be seen that the applicant's claim is for fixing of her pay scale at par with other candidates who were selected and appointed in pursuance of the same selection. As held by the Hon'ble Apex Court in **M.R. Gupta vs. Union of India**, (1995) 5 SCC 628, and in similar line of cases non-fixation or wrong fixation of pay scale or pension are continuous cause of actions, and also for the reasons mentioned in

the MA, and in the interest of justice, the MA No.266/2014 seeking condonation of delay is allowed and the delay is condoned.

5. As observed above, the respondents failed to show any valid reason to discriminate the applicant from the other candidates who were selected out of the same selection process and from the same Result Notice in issuing appointment orders and hence the applicant is entitled for fixing her pay with effect from the date on which other candidates who were selected along with her, and belonging to other categories such as General, OBC and SC were appointed, with all consequential benefits.

6. Accordingly, the OA is allowed and the respondents shall pass orders fixing the pay and seniority of the applicant with all consequential benefits as per her merit position, as per rules, within 90 days from the date of receipt of a copy of this order. However, in the circumstances of the case, the applicant is not entitled for any arrears. No costs.

(P.K. BASU)
Member (A)

(V. AJAY KUMAR)
Member (J)