

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.341 /2014

This the 4th day of September, 2015

Hon'ble Shri A.K. Bhardwaj, Member (J)
Hon'ble Shri K.N. Shrivastava, Member(A)

Neeraj Kumar Bahukhandi,
S/o Late J.R. Bahukhandi,
R/o A-129, Harsh Vihar, Hari Nagar,
Badarpur,
New Delhi

...Applicant

(By Advocate: Shri R.S. Kaushik).

Versus

1. G.N.C.T. of Delhi
Through it Chief Secretary,
V Lavel, Delhi Secretariat,
I.P.Estate, New Delhi-02.
2. Director of Education,
Govt. of Delhi,
Old Secretariat, Civil Lines
Delhi-110054
3. Ravindra Lal Shrivastav, P.G.T. (Geography)
(Teacher I.D. 20050044),
Sarvodaya Bal Vidyalaya, Block-27,
Trilok puri, Delhi-91
4. Hari Shankar Viskarma, P.G.T. (Geography)
(Teacher I.D. 20050452),
Govt. Boys' Secondary School,
Sultanpur, Delhi-30
5. Surendra Kumar Singh, P.G.T. (Geography)
(Teacher I.D. 20050063),
Sarvodaya Bal Vidyalaya, (B.P.),
B Block, Nand Nagari,
Delhi—110093
6. Shri Dhyan Pal Singh, P.G.T. (Geography)
(Teacher I.D. 20050160)
Sarvodaya Bal Vidyalaya,

Raj Nagar Colony,
Delhi--110031

7. Shyam Babu Mishra, P.G.T. (Geography)
(Teacher I.D. 20050260),
Govt. Boys' Senior Secondary School,
Block J&K, Dilshad Garden,
Delhi—110095. ...Respondents

(By Advocate: Ms Harvinder Oberoi).

ORDER (ORAL)

By Hon'ble Shri A.K. Bhardwaj, Member (J):

The prayer made in the present Original Application under
Section 19 of Central Administrative Tribunal Act, 1985 read thus:

8.1 To direct the respondents to hold a Review DPC and incorporate the name of the applicant in the first instance in the promotion list of the lecturer /PGT (Geography) issued by the respondents and circulated vide dated 26.09.2012.

8.2 to direct the respondents to consider the applicant for promotion w.e.f. 26.09.2012 i.e. the date when his juniors have been promoted.

8.3 to direct the respondents to grant the applicant all the consequential benefits in the nature of pay for promotional post. Not withholding the fact that non promotion of the applicant was solely due to the failure on the part of the respondents the applicant cannot be held responsible.

8.4 Any other reliefs deemed fit and proper may also be granted.

8.5 Award the cost.

2. It is not in dispute that the juniors of the applicant mentioned in the para 7 of the reply filed on behalf of the respondents were considered for their promotion to the Post of PGT (Geography) and were promoted vide order dated 26.09.2012 while the applicant could not be considered for the promotion.

3. The stand taken by the respondents in the reply is that since the GNCT has 950 schools spread over Delhi in which approximately 25000 PGTs are working, the collection of information in respect of all eligible teachers was a major exercise and thus it was for the incumbents of the posts in feeder category to ensure that their names were included in the eligibility list. In term of the circular dated 06.06.2012, responsibility was given to all the concerned DDE/HOS to ensure that the circular was brought to the notice of all TGTs/LTs/Misc. so that eligible candidates were not deprived of opportunity to submit their request/objection regarding eligibility list, in time. Relevant excerpt of the circular reads thus:

"All the DDEs concerned are hereby directed to ensure that this circular shall be circulated amongst all TGTs/LT/Misc Category Teachers so that none of the eligible teacher is deprived of their right to file their request/objection in time.

The revised tentative eligibility list for promotion to the post of Lecturer is available on the official Web site of this Department i.e. www.edudel.nic.in.

The last date of submission of the objections by the concerned teacher shall be 12.07.2012 and DDE concerned shall submit their reports in the prescribed Annexure-I by 20.07.2012 positively. No request thereafter shall be entertained in any case."

4. We heard counsels for the parties and perused the record.

5. One of the pleas raised by the applicants in the OA is that he could get no information regarding the process initiated by the respondents for promotion to the post of post graduate teacher (PGT)

and when the information could be made available by his colleagues, he immediately made a representation in this regard. Even the respondents have also taken a stand that the circular was issued only to ensure that no eligible candidate was ignored for promotion. In other words, it is not the stand of the respondents also that candidates eligible for promotion were required to submit any application for consideration. The stand taken by them is that just to avoid the omission of the candidates from consideration they were given opportunity to put forth their request/ objection. It was for the respondents (DDE concerned) alone to include the name of the applicant in the eligible list.

7. In the present case, once the applicant could make a representation for his consideration for promotion and could even file the present OA to seek such relief, there should be no reason that he should not be considered for his promotion to the post of PGT. The OA is allowed. Respondents should consider the applicant for his promotion to the post of PGT from the date of promotion of his junior within eight weeks from the date of receipt of a copy of this Order and in the case of being found fit, he should be given all consequential benefits.

(K.N. Shrivastava)
Member (A)

(A.K. Bhardwaj)
Member (J)

Bhupen/