

**Central Administrative Tribunal  
Principal Bench**

**OA No.808/2016  
MA No.790/2016**

New Delhi, this the 2<sup>nd</sup> day of May, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. Shekhar Agarwal, Member (A)**

1. Monika Kathwal  
W/o Shri Vishal Kathwal  
D/o Shri Ramesh Chand  
Aged 39 years,  
Assistant Teacher  
Govt. Sarvodaya Kanya Vidyalaya,  
Hastsal, New Delhi 110 059.
  
2. Ajay Kumar Anand  
S/o Shri Vijay Kumar  
Aged 42 years,  
Teacher  
Govt. Boys Senior Secondary School,  
K-Block, Jahangir Puri,  
New Delhi 110 033.

.... Applicants.

(By Advocate : Shri H. D. Sharma with Anubha Bhardwaj)

Versus

1. Govt. of NCT of Delhi  
Through its Director  
Directorate of Education, Delhi,  
Delhi Secretariat,  
Delhi.
  
2. Delhi Subordinate Services Selection Board,  
Through its Secretary,  
Govt. of NCT of Delhi,  
3<sup>rd</sup> Floor, UTCS Building,  
Vishwas Nagar, Shahdara,  
Delhi 110 032.

... Respondents.

(By Advocate : Shri K. M. Singh)

**: O R D E R (ORAL) :****Justice Permod Kohli, Chairman :****MA No.790/2016.**

Through means of this MA, the applicants have sought to file joint OA. In view of the reasons recorded in the application, applicants are permitted to file joint OA.

2. With the above order, MA stands disposed of.

**OA No.808/2016.**

3. The applicants applied for appointment as Assistant Teacher in response to advertisement issued in the year 2002. They participated in the competitive examination. It appears that on account of certain writ petitions preferred before Hon'ble Delhi High Court, results of the said examination were withheld and consequently the appointments. However, the results were finally declared pursuant to the judgment of Delhi High Court as indicated in para 5 of the OA, with the direction for grant of reservation to the reserved category candidates as observed by the Hon'ble Court. On account of the aforesaid litigation, the appointment of the selected candidates came to be made on 01.07.2004.

4. The grievance of the applicants is that they are entitled to fixation of seniority and pay on the basis of their merit in the selection process. Some of the similarly placed candidates approached this Tribunal in various OAs, one being OA No.1917/2011 titled as ***Kamlesh Kumar Meena vs. GNCT of Delhi***, which came to be disposed of vide order dated 15.02.2012. The applicants claim to be similarly situated as in OA No.1205/2012 titled as ***Vidya Prakash vs. GNCT of Delhi*** decided vide judgment dated 23.11.2012. It is stated that the applicants have made a representation dated 08.01.2015 which has not been considered till date.

5. In view of the above circumstances, this Application is disposed of at the admission stage with the direction to the respondents to consider the representation of the applicants in light of the judgments passed in the aforementioned OAs within a period of three months from the date of receipt of copy of this order. Needless to say that in the event, the claim of the applicants is to be rejected, the same shall be by passing a reasoned and speaking order.

**(Shekhar Agarwal)**  
**Member (A)**

**(Permod Kohli)**  
**Chairman**

/pj/