

Central Administrative Tribunal
Principal Bench
O.A. No. 923 of 2015

New Delhi this the 09th day of November, 2016

Hon'ble Sh. P.K. Basu, Member (A)

Hon'ble Sh. Raj Vir Sharma, Member (J)

1. Shri B.S. Dabas
S/o Shri Ram Roop, (Retd, GP.B)
Aged 70 years Village Sultanpur Dabas,
P.O. Pooth Khurd, Delhi
 2. Shri Yash Pal Singh Verma
S/o Shri Zile Singh Verma
Aged 68 years R/o 126, Ishwar Colony Ext.3
Bawana, Delhi-39
 3. Shri Amar Dev Pawar S/o Shri Devi Singh (Red, Gp.B)
Aged 69 years G-222, Punjabi Colony
Narela Delhi-40
(All Applicants are Retires)
- ... Applicants

(By Advocate: Mr. J S Mann)

Versus

1. Lt. Governor of Delhi
Raj Niwas Marg, Delhi-54
 2. Chief Secretary to the Govt. of NCT of Delhi
Players Building, IP Estate,
New Delhi.
 3. Addl. Secretary of Education
Govt. of NCT of Delhi
General Administration Deptt.
Secretariat Education Branch
Room No. 215-16, Old Sectt. Delhi-54
Old Secretariat, Delhi-54
 4. Director of Education
Directorate of Education
Govt. of NCT of Delhi
Civil Lines, Delhi-54
- ... Respondents;

(By Advocate: Mr. Pradeep Kumar for Mr. Vijay Pandita)

ORDER (ORAL)

Mr. P.K. Basu,, Member (A)

The three applicants in this case have held the charge of Head of Schools. Applicant No.3 has also held the charge of Vice-Principal. Vide order dated 22.10.2008, the department had promoted several ad-hoc Principal/Vice-Principals to the post of Principals on officiating basis in which it was stated that those who have already retired from Govt. service were to be granted the promotion on notional basis with

immediate effect for the vacancies which were mentioned against their names. The name of the three applicants appears at S.No. 246 (Mr. B S Dabas, at S.No. 293 (Mr. Yashpal Singh Verma, at S.No. 294 (Mr. Amar Deo Panwar). The applicants had approached this Tribunal in OA No. 308/2012 with the grievance that they have not been extended the benefit of Tribunal's order dated 05.02.2010 in OA No. 809/2009- **Gauri Shankar Sharma & Ors. vs. GNCTD.**

2. In compliance of the directions of this Tribunal in OA No. 308/2012, the respondents issued a detailed order dated 11.04.2012 rejecting the prayer of the applicants. It is seen from the OA filed before us that the applicants have not challenged this order dated 11.04.2012 nor the one dated 22.10.2008. However, the following prayers have been made :-

“(a) To issue directions to the Respondents to give to the applicants the benefit of the pay scale of the post of Principal/HOS/HOD/from the date they were given the charge of the post of HOS/HOO; and/or

(b) To issue directions to the respondents to give to the applicants arrears of pay and allowances as a result of proper pay fixation from retrospective effect i.e. from the date when the applicants started working as HOS/HOD; and/or

(c) To issue directions to the respondents to revise the benefits paid to the applicants on their superannuation/retirement; and/or

(d) To issue directions to the respondents to pay interest @ 12% per annum on the amount due to the applicants; and/or

(e) Pass any other and further order as this Hon'ble CAT may deem fit and proper fit and proper in the facts and circumstances of the case, in favour of the applicants herein;

3. Learned counsel for the applicants basically argued that the relief granted by the Tribunal in the case of Gauri Shanker (supra) in OA 809/09 vide order dated 05.02.2010 should also be granted to them.

4. Learned counsel for the respondents first of all raised a question of limitation as cause of action arose in 2008 when the order was issued and the OA has been filed in March, 2015. The applicants at para 4.16 have

explained away the delay on the ground that the applicants had lot of family obligations and physical and financial impediment due to which they could not file application on time. Clearly these are frivolous and cannot be accepted and we hereby reject it. In view of this, there has been un-conscionable delay in filing this OA and it deserves to be dismissed on the ground of limitation itself in accordance with Section 21 of the Administrative Tribunals Act, 1985.

5. Even on the question of merit it can be seen that in the Gauri Shanker's case (supra) the order of this Tribunal itself records that applicants had actually worked on the post of Principal whereas in the present OA, none of the applicants ever worked on the post of Principal. They were just Head of Schools. Therefore, the decision of the Tribunal in Gauri Shankar(supra) cannot apply in this case. In any case HOS is not a post and it cannot be stated that if a person is made HOS he technically holds the post of Principal. Moreover, learned counsel for the respondents also placed before us order dated 04.12.2015 in **OA 2275/2013, Anand Swaroop Bhardwaj vs. Govt. of NCT of Delhi & Ors.** in which exactly the same issue was examined by us and the OA was dismissed for the reasons stated above.

6. In view of the above legal and factual position we find no merit in this OA and it is, therefore, dismissed. No costs.

(Raj Vir Sharma)
Member (J)

(P.K. Basul)
Member (A)

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