

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**OA-3615/2013**

**New Delhi, this the 23<sup>rd</sup> day of August, 2018**

**Hon'ble Sh. V. Ajay Kumar, Member (J)**  
**Hon'ble Sh. A.K. Bishnoi, Member (A)**

Smt. Vijay,  
W/o Sh. Daya Kishan,  
R/o H.No. 443, Village Barwala,  
Delhi-110039.

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Applicant

(through Sh. Setu Niket)

Versus

1. Govt. of NCT of Delhi,  
Through The Secretary, Education,  
5, Shamnath Marg, Delhi.

2. Directorate of Education,  
Govt. of NCT of Delhi,  
Through the Director,  
Old Secretariat, Delhi.

3. North Delhi Municipal Corporation,  
Dr. S.P.M. Civic Centre,  
Minto Road, New Delhi-110002.

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Respondents

(through Sh. Vijay Pandita for R.No. 1 and 2 and Sh. M.S. Reen for R-3)

**ORDER(ORAL)**

**Hon'ble Sh. V. Ajay Kumar, Member (J)**

Heard Sh. Setu Niket, learned counsel for the applicant and Sh. Vijay Pandita and Sh. M.S. Reen for the respondents.

2. The applicant was appointed as Assistant Teacher (Nursery) by the erstwhile unified Municipal Corporation of Delhi (MCD) on 21.01.1986. Respondent no. 2 issued a notification dated 11.12.1991 prescribing the Recruitment Rules for the post of Trained

Graduate Teacher in Education Department under Delhi Administration, Delhi. As per the said notification, the post of TGT is a selection post and to be filled up by way of promotion. It further provides that in addition to other categories, the Assistant Teachers of MCD having minimum of five years of regular service as Assistant Teachers subject wise on the basis of seniority cum merit also are eligible for consideration for promotion. When the respondents in terms of the said notification considered the cases of Assistant Teachers (Primary) only for promotion to the post of TGT, the applicant filed TA No. 21469/2009 seeking a declaration whether the practice followed by the respondents in not considering Assistant Teacher (Nursery) in primary schools of MCD, for promotion as TGT is illegal. This Tribunal by its judgment dated 28.10.2010 allowed the said TA as under:

"10. Resultantly, for the foregoing reasons, TA is allowed to the extent of directing MCD to deem the category of applicant as a feeder category for the post of TGT in Education Department of Government of NCT of Delhi and forward the claim of applicant to the Government of NCT of Delhi and forward the claim of applicant to the Government of NCT of Delhi, which, in turn, shall consider the claim of the applicant, subject to qualification prescribed under the Rules for promotion as TGT, from the due date, with all consequences, within a period of three months from the date of receipt of a copy of this order. No costs."

3. In compliance of the aforesaid orders, the respondents vide Annexure R/2 dated 30.05.2011, on the recommendations of the DPC held on 18.04.2011, promoted the applicant to TGT (Social Science) but the said order did not indicate w.e.f what date the promotion of the applicant came into effect. However, after obtaining the clarification from the Directorate of Education, the respondents issued the impugned order dated 19.11.2012 stating that the promotion of the applicant came into effect w.e.f 30.05.2011, i.e., the date of issuance of Annexure R/2 order.

4. The applicant filed the instant OA questioning the said order dated 19.11.2012 wherein the promotion of the applicant was given effect to from 30.05.2011 on the main ground that this Tribunal while disposing of the TA specifically directed the respondents to grant the promotion to

the applicant 'from due date' and the impugned order is against the said direction.

5. The applicant though submitted that the respondents promoted juniors to the applicant as TGTs earlier to the applicant but failed to state who are those juniors and from what date they were promoted. He also failed to state 'what was the due date' according to him, even to examine the same.

6. In the circumstances, we do not find any merit in the OA and accordingly the same is dismissed.

**(A.K. Bishnoi)**  
**Member(A)**

**(V. Ajay Kumar)**  
**Member(J)**

/ns/