

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.3521 of 2014

Orders reserved on : 10.05.2019

Orders pronounced on : 17.05.2019

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Braham Singh [retired PGT (Maths) Teacher]
Aged about 62 Years,
S/o Sh. Tikam Singh
R/o 219, Neelkanth,
Kaushambi, Ghaziabad
Uttam Pradesh-201010

.... Applicant

(By Advocate : Shri Harpreet Singh)

VERSUS

1. Government of N.C.T. of Delhi,
Through the Chief Secretary,
Indraprastha Sachivalaya,
NEW DELHI-110001
2. The Director,
Directorate of Education,
Government of N.C.T. of Delhi,
Old Secretariat,
NEW DELHI.
3. The Principal Account Officer,
M.S.O. Building, ITO,
New Delhi.

..... Respondents

(By Advocate : Shri K.M. Singh)

O R D E R

Ms. Nita Chowdhury, Member (A):

Heard both the parties and also perused the pleadings
of the OA.

2. The OA has been filed by the applicant seeking the following reliefs:-

- “(i) to hold the inaction on part of the respondents in not granting the applicant the 3% increment as illegal and arbitrary;
- (ii) consequent to (i) above, direct the respondents to grant to the applicant the 3% increment in pay to which the applicant was legally entitled to consequent upon his promotion as PGT from TGT in the same scale of pay and grade pay;
- (iii) consequent to (ii) above, grant all consequential benefits to the applicant including pension re-fixation;
- (iv) to award costs in favour of the applicant; and
- (v) to pass such other order or orders as may be deemed fit and proper in the interests of justice.”

3. When the matter was taken up for arguments, counsel for the applicant stated that at the time of his retirement, he had submitted a representation dated 31.5.2013 to the respondents which reads as under:-

“To
The D.O.O.
G.B.S.S.School No.3
Bholanath Nagar,
Delhi-32.

Sir,

It is submitted that at the time of my retirement, one promotional increment was withheld. As per the office Order, I am to get this increment.

Therefore, you are requested to kindly release this increment and its arrears and oblige.

With thanks,

Yours
 Sd/p in Hindi Braham Singh
 31.5.2013
 Braham Singh
 P.G.T. (Maths)"

Quite clearly when we asked counsel to tell us the details of the promotions which the applicant feels that he is entitled to, counsel for the applicant drew our attention to another communication dated 7.8.2012, which reads as under:-

"07-08-2012

To,
 The Principal Account Officer
 M.S.O. Bldg, I.T.O.
 New Delhi.

Sub. Benefit of 3% increment on promotion in same grade pay.

Sir,

I draw your kind attention that I promotion on 27-11-2006 as P.G.T. (matter). In T.G.T. Post I was in (9300-34000) G.P.-4800. On promotion there was no increment. I remain in (9300-34800) G. Pay 4800 I also static that I have not taken MACP....."

According to letter No.F 39(11)(1)P&PF/EN/2012/1364-88 Dated 27-03-2012 of Govt. of NCT of Delhi. I am entitle of 3% increment on promotion but principal of my school is not allowing to me this benefit.

Kindly I request you to do needful I retired on 31.12.2011.

Name of School
 G.B.Sr.Sec.School No-3
 Bhola Nath Nagar,
 Shahdra, Delhi-110032"

Your
 S/d
 ID-19820236

We could not find any relevant details in these two communications. Nor any reasons as to why these

communications are to different authorities and not to the Appointing Authority of the applicant.

4. The respondents in their reply also have not given any details of the promotions and pay scales given to the applicant. Counsel for the respondents only stresses that the applicant retired on 31.12.2011 and it is only after his retirement, the applicant has given representations on 7.8.2012 and 31.5.2013. He has controverted the claim of the applicant by stating that the applicant is not entitled to an additional increment of 3% in the promotion scale because he has already been granted senior scale on 04.02.1994 in the scale of 1640-2900 (as per 4th Pay Commission) which was further considered in 5th Pay Commission as PGT scale Rs.6500-10500 and considered in 6th Pay Commission in PB-II with GP 4800 and because he was already granted PGT Scale earlier to the promotion, he is not entitled for additional increment of 3% at the time of promotion.

5. In the rejoinder given by the applicant also, there are no details of the dates from which the said relief is claimed. It is only stated that some similarly placed employee, namely, Samay Singh had been given the benefit of 3% increment and has reiterated that he has given the above mentioned representations to the respondents but they have failed to elicit any response.

6. However, after hearing both the parties, it becomes clear that the applicant has not agitated his claims clearly. It is pertinent to mention that the aforesaid two representations were addressed to D.D.O. of G.B.S.S. School No.3, Bholanath Nagar and the Principal Account Officer, M.S.O. Bldg, ITO, New Delhi respectively, which are not competent authorities to redress the grievance of the applicant.

7. As such instead of keeping this matter pending indefinitely, we direct the applicant to make a clear representation giving details of his service records and date from which he is claiming additional increment to the competent authority of the respondents within 30 days from the receipt of a copy of this Order. The respondents are directed to pass a final order in this regard within 60 days thereafter.

8. With the above direction, this OA is disposed of. No costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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