

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3588/2016

New Delhi, this the 11th day of September, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

1. Bhagwat Swaroop,
S/o Shri Banshi Dhar,
R/o DG-II/171A, Vikas Puri,
New Delhi.

Office Address:

Retired from the post of principal on 28.02.2010
Govt. Boys Sr. Sec. School,
Mohan Garden,
New Delhi.

2. Bhooley Singh,
S/o Late Shri Tulsi Ram,
R/o H-19/40, Sector-7,
Rohini,
New Delhi – 110085.

Office Address:

Retired from the post of Principal on 28.02.2010
Sarvodaya Bal Vidyalaya,
Naraina,
New Delhi – 110028.

3. Gopal Dutt,
S/o Shri Lila Singh,
R/o 2517, Gali No. 11,
Bihari Colony,
Sahadhara,
Delhi – 110032.

Office Address:

Retired from the post of Principal on 31.10.2013
Sarvodaya Bal Vidyalaya,
Radhey Shyam Park,

Delhi – 110051.

...Applicants

(By Advocate: Mr. K.P. Gupta)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat, I.P. Estate,
New Delhi.
2. Director of Education,
Govt. of NCT of Delhi,
Directorate of Education,
Old Secretariat,
Delhi.
3. Assistant Director of Education (Establishment – II),
Govt. of NCT of Delhi,
Directorate of Education,
Establishment-II Branch,
Old Secretariat,
Delhi.

...Respondents

(By Advocate: Mr. H. A. Khan)

ORDER (ORAL)

Mohd. Jamshed, Member (A):-

The applicants were originally appointed as Trained Graduate Teachers (TGTs) and later on promoted to the posts of Post Graduate Teachers (PGTs), Vice Principals and as Principals. All the applicants have retired from service as Principals of different schools having served under Directorate of Education, Government of NCT of Delhi between 2010 to 2013. It is stated

that the applicants were promoted on different dates to the post of PGT from their original post of TGT and all of them were regularized on the post of PGT w.e.f. 16.01.1984.

2. Subsequently, it is claimed, that five persons junior to the applicants were granted Selection Grade of Rs. 775-35-880-40-1000, while the applicants despite being senior to the aforesaid five persons were not granted the said Selection Grade by the respondents. The applicants approached this Tribunal by filing an OA No. 3585/2011. During the pendency of the aforesaid OA, the respondents granted the applicants the Selection Grade of Rs. 775-35-880-40-1000 (Pre-Revised) w.e.f. 16.01.1985. Subsequently, the respondents also granted the applicants the revised pay Grade of Rs. 2000-60-2300-75-2375 w.e.f. 01.01.1986. This Tribunal after taking into account the relief provided by the respondents, disposed of the aforesaid OA No. 3585/2011 vide order dated 29.11.2013 with the directions to the respondents to grant all such benefits to the applicants as granted to the PGTs from SC category, who were granted Senior Grade w.e.f. 16.01.1985. RA No. 28/2014 in the aforesaid OA No. 3585/2011 was disposed of by this Tribunal vide order dated 23.09.2015 directing the respondents to consider the case of the applicants for grant of Selection Grade to them in accordance with the circular dated 12.08.1987.

3. The respondents in terms of the directions given by this Tribunal in OA No. 3585/2011 decided on 29.11.2013 considered their case and passed order dated 18.02.2016 (Annexure A-1) rejecting the claim of the applicant in view of their not being in the category of 20% of senior most PGTs though they completed 12 years of regular service during 1993-96 and thus not being eligible for grant of Selection Grade.

4. A representation was made by the applicants on 01.03.2016 against the order dated 18.02.2016 which was also rejected by the respondents vide order dated 22.04.2016 (Annexure-A16). Aggrieved by the action of the respondents, the applicants have filed the present OA seeking the following reliefs:-

“i) Issuing the appropriate specific directions to the respondents to grant them the Selection Grade of Rs. 8000-275-13500 w.e.f. 16.01.1997 on the post of PGT and thereafter, re-fix their pay accordingly till the day and date of their retirement on all the posts i.e. PGT, Vice-Principal & Principal;

ii) To pay all arrears whatsoever fell due in this exercise of re-fixation of pay along with 12% interest per annum;

iii) To revise the pension in accordance with the pay so re-fixed and pay all arrears of pension also.”

5. Learned counsel for the respondents opposed the OA submitting that the applicants had been granted Selection Grade during 1984 having completed 12 years of regular service. However, since they were not within 20% of senior most PGTs, they were not granted Selection Grade as per the guidelines issued

by Govt. of India, MHRD (Department of Education) and procedure laid down in the order dated 18.12.2009.

6. We heard Mr. K.P. Gupta, learned counsel for the applicants and Mr. H.A. Khan, learned counsel for the respondents and perused the records.

7. This is the 2nd round of litigation. The applicants had earlier filed OA No. 3585/2011 before this Tribunal primarily seeking re-fixation of their pay w.e.f. 01.01.1986 in the pay Grade of Rs. Rs. 2000-60-2300-75-2375. During the pendency of this OA, the applicants who were all PGTs in SC category were granted Selection Grade of Rs. 775-35-880-40-1000 (Pre-Revised) w.e.f. 16.01.1985. Respondents further passed an order dated 18.02.2016 clarifying that the five other PGTs (SC) who were senior to the applicants were also denied grant of Selection Grade vide order dated 20.06.2014 on the ground that they were not within 20% senior most PGTs though they too had completed 12 years of regular service during 1993-96.

8. On the representation given by the applicants, a detailed speaking order was passed by the respondents dated 22.04.2016. The clarification provided in this letter addressed to the applicants by the Respondent No. 3 clearly indicates that the DPC was held on 24.11.2009 for considering the case for grant of Selection Grade, category wise. 22 PGTs (Male), who were granted

Selection Grade vide order dated 18.12.2009 were PGT/Male/Gen/Admn/Cadre and granted Selection Grade against the vacant posts available in the respective category. No PGT (Male)/SC/Admn Cadre was granted Selection Grade as no vacant post of Selection Grade was available in that category. It was also considered by the DPC held on 24.11.2009 that the Selection Grade cannot be granted to the applicants as they were not falling within 20% of the senior most PGTs of the category which they belong to.

9. The Government's decision notified vide circular No. F.5-180/86-U.T.I. dated 12.08.1987 issued by Government of India, MHRD, Department of Education (Annexure A-3) clearly indicates that Selection Grade can be given after 12 years in senior Grade. The para-3 of the said circular reads as under:-

“3. The revised pay Grades will be admissible subject to the following conditions:-

- i) While Senior Grade will be granted after 12 years to Primary School Teachers, Trained Graduate Teachers/Headmasters of Primary Schools and post Graduate Teachers/Headmasters of Middle Schools, the Selection Grade will be granted after 12 years service in the Senior Grade of the respective cadre. For the Vice-Principals/Headmasters of Secondary Schools, there will be only Senior Grade after 12 years and no Selection Grade.*
- ii) The number of posts in the Selection Grade for Primary School Teacher, Trained Graduate Teachers/Headmasters of Primary School, Post Graduate Teachers/Headmasters of Middle School will be restricted to 20% of the number of posts in the Senior Grade of the respective cadre.*

- iii) *The Senior Grade and Selection Grade will be given after screening regarding the satisfactory performance by an appropriate DPC."*

10. The restriction of 20% of posts to be considered for Selection Grade is also evident in another identical matter in OA No. 897/2011 titled **Har Narain Suman and Ors. Vs. GNCT of Delhi**. In this case also the applicants therein were denied grant of Grade on the ground that they were not within 20% of senior most PGTs, though they have completed 12 years of regular service. CP No. 419/2014 filed in the aforesaid OA No. 897/2011 was also dismissed by the Tribunal. It is also obvious that the case of 22 General category candidates was considered by the DSC in its meeting held in 2009 for grant of Selection Grade. It has been reaffirmed by the learned counsel for the respondents that 22 PGTs who were granted Selection Grade were senior to the applicants as they were appointed as PGTs during 1969-74, while the applicants were appointed to the post of PGT w.e.f. 16.01.1984.

11. The applicants have also not challenged the impugned order dated 18.02.2016 (Annexure A-1) in the relief sought, through which respondents have explained rejection of their claim. The applicants have not been able to put forward any convincing argument regarding their eligibility for grant of Selection Grade and their interests have not been harmed by promotion of any of their juniors. The applicants have only referred to their juniors

having been granted the said Scale, however, they have not impleaded any of them.

12. In view of above, we do not find any merit in the present OA and the same is, accordingly, dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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