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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 565/2003

New Delhi, this the 11th day of December, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.A. Singh, Member (J)

Bharati Vyas,
w/o Shri Harjiwan Vyas,
R/o 4/51-A, HIG Vaishali,
Shahibabad (UP) 201 010.Applicant

(By Advocate: Sh. Sakesh Kumar)

Versus

1. Govt. of N.C.T. of Delhi through
Secretary,
Department of Education,
Old Secretariat,
Delhi.
2. Directorate of Education through
Director of Education,
Govt. of N.C.T. of Delhi,
Old Secretariat,
Delhi.
3. Mrs. Chandrawati Verma,
w/o Sh. Pramod Kumar,
134, Defence Enclave,
Vikas Marg, Opp. Preet Vihar,
Delhi - 110 092. Respondents

(By Advocate: Shri Ajesh Luthra for R-1 & R-2
None for R-3)

ORDER (ORAL)

Justice V.S. Aggarwal, Chairman -

Applicant is a Post Graduate Teacher in Political Science. By virtue of the present application she seeks quashing of the seniority list of 18.7.2002 and the order dated 26.11.2002 passed by respondent nos. 1 & 2 in this regard.

2. The petition has been contested contending that the seniority list had been conveyed and circulated. It is contended that the applicant came to

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know about it on 26.11.2002 is incorrect. Furthermore in counter reply (para 4.4) it has been pleaded:

"That the contents of para 4.4 of the OA are incorrect as stated, hence denied. The seniority has been revised as per the merit and records made available at the time of revision. It is however submitted that the panel for the year 1989, being not traceable despite all efforts, the seniority has been assigned on the basis of appointment letters issued at the relevant time."

3. The first and foremost objection taken by the respondents is that as the seniority list had been circulated and issued, the claim of the applicant could not be entertained. However, our attention has been drawn towards the letter written by the Education Officer, Zone-II(E) dated 9.12.2002 in this regard, which reads:

"Sir/Madam,

In connection with the matter cited above, I am directed to inform you that the tentative seniority list of PGT(Male & Female) for the above mentioned period has been received in this office for further circulation in the schools. Since only one copy has been received, therefore, it is not possible to circulate in the schools separately.

You are, therefore, requested to send only one teacher in the Zonal office to see the list available in the Zonal office and check the same in respect of PGTs of the school appointed/promoted during the said period.

In case objection, if any, the same may be sent to the A.O. Estt-II branch within one month."

4. Perusal of above shows that the seniority list had not been circulated to the teachers and, therefore,

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the applicant cannot be blamed if she was not aware of the same and the claim of the respondents that it is belated, therefore, must be rejected.

5. So far as the other contention is concerned, perusal of the reply itself shows that the merit list of the year when the applicant was recruited was not available. Since the same was not available, the respondents had taken the seniority on the basis of the dates of the appointment letters.

6. It is not known if any enquiry has been held nor it is known as to what steps have been taken in this regard. Seniority would have to be drawn on basis of the merit list and not on basis of the dates of the appointment letters which could vary. In that view of the matter, we are not dwelling into further details and accordingly we quash the impugned order dated 18.07.2002. Respondents should take the necessary steps to draw the merit/seniority list in accordance with law and thereafter communicate it to the applicant.

7. Subject to aforesaid, O.A. No. 565/2003 is allowed.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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