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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 3165/2002

with

O.A. NO. 1051/2003

New Delhi, this the 6<sup>th</sup> day of August, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE SHRI S.A. SINGH, MEMBER (A)

O.A. No. 3165/2002:

Ram Sewak Pal,  
R/o 20/216, DDA Flats,  
Kalkaji, New Delhi  
and retired as H/M (PGT),  
G.B. School, Mehrauli,  
Govt. of NCT of Delhi,  
New Delhi.

.... Applicant.

(By Advocate: None)

Versus

1. Govt. of NCT of Delhi  
through their  
Chief Secretary,  
Govt. of NCT of Delhi,  
I.P. Estate,  
New Delhi.
2. The Director of Education,  
Govt. of NCT of Delhi,  
Sham Nath Marg,  
Delhi-110054.
3. The Secretary,  
Dept. of Education,  
Ministry of H.R. Dev.  
Shastri Bhawan,  
New Delhi.

... Respondents.

(By Advocate Shri George Paracken)

O.A. 1051/2003

Shri Jodha Ram,  
S/o Shri Ram Lal,  
R/o Village Gokalpur (Old),  
near ICE Factory,  
Delhi-110094.

Retired as Vice Principal,  
From Govt. Boys Secondary School,  
New Seema Puri, Delhi-110095.

... Applicant.

(By Advocate: None)

Versus

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1. Govt. of NCT of Delhi through Chief Secretary, I.P. Estate, New Delhi.
2. The Principal Secretary (Education), Deptt. of Education, Govt. of NCT of Delhi, Delhi-110054.
3. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
4. The Dy. Director of Education, District North-East, B-Block, Yamuna Vihar, Delhi-110053.

... Respondents.

(By Advocate: Sh. Mohit Madan proxy of Mrs. A. Ahlawat)

O R D E R

Justice V.S. Aggarwal:-

By this common order, we propose to dispose of the two Original Applications No.3165/2002 and 1051/2003 because the basic question involved in both these applications is identical.

2. Applicant (Ram Sewak Pal), in OA No.3165/2002, was appointed as Trained Graduate Teacher (for short 'TGT') on 10.3.1960. He was confirmed as TGT on 1.3.1966 and was granted selection grade of TGT from 5.9.1971. He was promoted as Post Graduate Teacher (for short 'PGT') from 13.9.1983. While working as PGT, he retired on 30.11.1991. After his retirement, by an order of 17.6.1996, he was promoted to the post of PGT from 16.1.1984 on regular basis on the usual terms and conditions on the recommendations of the Departmental Promotion Committee.

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3. In the case of Shri Jodha Ram (OA No. 1051/2003), he joined as TGT on 8.9.1955. He was promoted as PGT on 18.7.1962. He got selection of PGT from 1.3.1975. He was promoted as Vice Principal (ad hoc) from 9.1.1986. He retired on 31.12.1990 while working as ad hoc Principal. After his retirement, he was promoted as Vice Principal on regular basis from 9.1.1986.

4. By virtue of the present application, the applicant seeks setting aside of the order of 9.7.2002 and to grant him the selection scale of Rs.2000-3500 (Pre-revised) in the category of Language Teacher/TGT from 1.1.1986 with consequential benefits in terms of Government of India's order dated 12.8.1987 and its subsequent clarifications.

5. Prior to 1.1.1986, there were only two scales in the cadre of TGT as well as PGT as follows:

"A) Pay scales before 4th Pay Commission.

	TGT	PGT
(i) Entry Scale	Rs.440-750	Rs.550-900
(ii) Selection grade	Rs.740-880	Rs.775-1000

"B) Replacement scales after 4th Pay Commission.

	TGT	PGT
(i) Entry Scale	Rs.1400-2600	Rs.1640-2900
(ii) Selection grade	Rs.1640-2900	Rs.2000-3500

6. Subsequently, the National Commission on Teachers under the Chairmanship of Prof. D.P. Chhattpadhyaya made various recommendations concerning pay and service conditions of teachers at school level. Therefore, the replacement scales effective from 1.1.1986 were revised based on the

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recommendations of the 4th Pay Commission as per the order of the Govt. of India, Ministry of Human Resource Development dated 12.8.1987 as follows:

	TGT	PGT
(i) Entry Scale	Rs.1400-2600	Rs.1640-2900
(ii) Senior scale	Rs.1640-2900	Rs.2000-3500
(iii) Selection scale	Rs.2000-3500	Rs.2200-4000

7. The new selection grade was to be given on completion of 12 years of service in the erstwhile selection scale and the new senior scale. The selection scale posts were limited to 20% of the number of posts in the senior scale. It was to be allowed only after screening by a DPC and on completion of satisfactory in service training of three weeks.

8. The application has been contested.

9. The applicant in OA No.3165/2002 bases his claim on the fact that on 1.1.1986, he was having lien to the post of TGT. He was only officiating on the higher post of PGT and that his regularisation as PGT was done after 30.11.1991, i.e., his date of retirement. The order for regularisation was issued on 17.6.1996, i.e. after retirement, regularising him from 16.1.1984. He contends that regularisation with back date does not automatically mean confirmation as PGT because he continued to hold a lien on the post of TGT from 1.3.1966.

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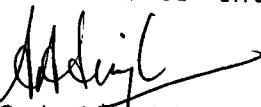
10. On earlier occasion, it was found that there were two contradictory orders passed by the different Benches of this Tribunal. Resultantly, a Full Bench had been constituted. The Full Bench had formulated the following question:

"Whether a teacher who has been promoted retrospectively on regular basis as PGT/Vice Principal is entitled to selection grade of the lower post?"

11. The Full Bench answered the same as under:

"21. In view of the discussion in the preceding paragraphs, the question as framed is answered in the affirmative i.e. the teachers promoted as PGT/Vice Principal by an order from a retrospective date on regular basis will continue to get the benefits of selection grade of lower post of TGT/PGT if they were otherwise entitled."

12. This was the only controversy that was alive in the present case. Necessarily, keeping in view the answer given by the Full Bench and in the absence of any other plea, we hold and dispose of the present applications with the direction that the applicants who were promoted as PGT by an order from retrospective date, would be entitled to get the benefit of selection grade of the lower post from the date they were eligible and the same was due if they were otherwise entitled. Necessary benefits should be accorded to the applicants.

  
(S.A. Singh)  
Member (A)

  
(V.S. Aggarwal)  
Chairman

/NSN/