

Ram Kumar Gupta Vs. Mcd and Others

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Court : Central Administrative Tribunal CAT Delhi

Decided On : May-10-2012

Judge : The Honourable Mr. M.L. Chauhan, Member (J) & the Honourable Mrs. Manjulika Gautam, Member (a)

Appeal No. : OA No.1578 of 2012, MA No.1297/2012

Appellant : Ram Kumar Gupta

Respondent : Mcd and Others

Advocate for Pet/Ap. : For the Applicant : M.K. Bhardwaj, Advocate. For the Respondents : ----

Judgement :

(ORAL)

Mr. M.L. Chauhan, Member (J):

Applicant has filed this OA, thereby praying for the following reliefs:

“(i) To declare the action of the respondents in not giving promotion to the applicant to the post of School Inspector (General), AEO and DEO at par with his Junior namely Sh. H.C. Narula as illegal and arbitrary and direct the respondents to promote the applicant to the aforesaid post from the date of Sh. B.C. Narula and give other financial benefits including selection grade as well as arrears of pay on

account of aforesaid promotions.

ii) To allow the O.A. with costs.

iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant."

2. As can be seen from the relief clause the grievance of the applicant is regarding grant of promotion to the post of School Inspector (General), AEO and DEO at par with his junior, namely Shri B.C. Narula and to grant him other financial benefits, including selection grade as well as arrears of pay on account of aforesaid promotion.

3. In order to decide the matter in issue, few facts may be noticed. The applicant initially joined the MCD as an Assistant Teacher on 14.10.1963. The case projected by the applicant is that he was given selection grade w.e.f. 1.1.1986 and promoted to the post of Head Master w.e.f. 18.04.1996. It is further stated that applicant was given the current duty charge of the post of School Inspector w.e.f. 31.10.2011 and thereafter applicant retired from service w.e.f. 31.07.2004. The grievance of the applicant is that person juniors to him have been granted promotion to the post of School Inspector and they were further promoted to the posts of AEO and DEO, whereas such promotion was denied to the applicant. From the material placed on record, and more particularly from the legal notice dated 21.01.2009, which has been placed on record at page 59 of the paper-book, it is evident that one Smt. Guru Sharan Kaur, who was appointed as Primary Teacher on 21.08.1965, whereas applicant was appointed as Assistant Teacher on 14.10.1963 almost two years before Smt. Guru Sharan Kaur was promoted to the post of Head Mistress on 01.01.1974, School Inspector on 14.04.1976 and AEO on 27.07.1988, whereas the applicant was promoted to the post of Head Master w.e.f. 18.04.1996, i.e., 22 years after promotion of Smt. Guru Sharan Kaur. Thus the cause of action if any had arisen in the year 1974 when Smt. Guru Sharan Kaur was granted promotion to the post of Head Mistress but the applicant had not made any such grievances at the relevant time and also thereafter till the retirement on 31.07.2004. This OA has been filed by the applicant almost after a lapse of about 38 years making grievance regarding promotion to the post of Head

Mistress from the date when junior person was granted such promotion by citing names of another junior person namely Shri B.C. Narula. Further, from the perusal of this aforesaid legal notice, it is evident that Shri B.C. Narula was granted promotion to the post of SI on 07.04.1982 and on the post of AEO in the year 1986, whereas applicant was given the current duty charge of the post of School Inspector w.e.f. 31.10.2001 after a lapse of about 19 years of promotion of his so called junior Shri B.C. Narula, who was further promoted to the post of AEO in the year 1986 when the applicant was still working on the post of Assistant Teacher and was not even promoted to the post of Head Master. Thus, according to us, the stale claim of the applicant for granting him promotion to the post of School Inspector (General), AEO and DEO at par with his junior cannot be granted at this belated stage.

4. For the foregoing reasons, we are of the view that the applicant has not made out any case for grant of relief. Accordingly, the OA is dismissed at the admission stage itself, with no order as to costs.

5. Before parting with the case, we wish to clarify that the case projected by the applicant as well as the reliefs sought by the applicant is regarding his promotion to the aforesaid posts from the date of junior with consequential financial benefits, including selection grade as well as arrears of pay on account of such promotions. Since we have declined the relief of promotion to the applicant he is also not entitled to arrears of pay as well as selection grade consequent upon such promotions. However, dismissal of the OA shall not be construed as claiming the selection grade and higher financial benefits on the post which the applicant was holding till his superannuation in case selection grade has not been granted to the applicant.