

PETITIONER:
DELHI ADMINISTRATION (NOW GOVT. OF N.C.T. DELHI) THROUGH THE

Vs.

RESPONDENT:
NAND LAL PANT & ANR.

DATE OF JUDGMENT: 07/07/1997

BENCH:
K. RAMASWAMY, D.P.WADHWA.

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted. We have heard learned counsel on both sides.

Nand Lal Pant, the first respondent was appointed to the post of Trained Graduate Teacher on September 28, 1974 in the pay scale of Rs.250-550/-. He was confirmed in that post. The post of Post Graduate Teacher (Sanskrit) fell vacant after retirement of one S.N. Sastri. Since the first respondent had the qualification of Sanskrit, he was asked to officiate in the said post of Graduation Teacher (Sanskrit). He made representations from time to time for his promotion to the said post. Since it was rejected on the ground that there was no channel of promotion from the cadre of TGT to the cadre of PGT, Sanskrit. Consequently, he filed Writ Petition No.3794/93 in the High Court. The Delhi High Court by the impugned judgment dated July 31, 1996 allowed the writ petition and directed the Government to promote him w.e.f. 1986 with all consequential benefits. Thus, this appeal by special leave.

It is now for the first time that stand has been taken by the Petitioner (respondent in the writ petition) by letter dated December 22, 1992 the School was informed that the Deputy Director (East) was "pleased to accord the clearance for P.G.T. (Sanskrit) reserved for Scheduled Caste candidates". Pursuant to that it would appear that one Rajbir Singh belonging to Scheduled Castes was appointed w.e.f. September 30, 1993 and ever since he was working in the said post. As per the recruitment Rules, there is no direct channel of promotion from TGT (General) to PGT (Sanskrit). As a consequence, the first respondent as of right is not entitled to the promotion as PGT (Sanskrit), that too in a post reserved for Scheduled Castes. But since the first respondent has been working since 1986 in PGT (Sanskrit) from June, 1986 when the post fell vacant, the facts and circumstances, we think that the appellants have to be directed to create a supernumerary post of PGT (Sanskrit) and allow the first respondent to continue in that post till he retires. That post may be created in any school or directorate as the case may be. He would be entitled to the scale of pay of PGT (Sanskrit) from the date

of the creation of the post. This direction to adjust him by creation of supernumerary post and to permit the first respondent to continue in that post should not be treated as a precedent in any other case. No one is entitled to jump the regular channel merely on the basis of by qualification acquired or the basis of having officiated in a higher post.

The appeal is accordingly disposed of. No costs.

JUDIS