

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 12, 2018
+ **W.P.(C) 1286/2018 & CM 5375/2018**

BINIL P.T. Petitioner
Through: Mr. E.J. Verghese &
Mr. Rajeshwar Singh, Advocates

Versus

THE GOVT. OF NCTD AND ORS. Respondents
Through: Mrs. Avnish Ahlawat, Standing
Counsel for respondent No.1-GNCTD

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR
ORDER
(ORAL)

1. Petitioner claims to be a 'Work Experience Teacher' in respondent No.3-School since the year 2012. It is the case of petitioner that his claim for stepping up of his pay has been illegally declined by respondent – Directorate of Education vide order of 4th August, 2014 (*Annexure A-1*) and that petitioner had approached the Central Administrative Tribunal against denial of stepping up of his pay. Vide order of 27th October, 2017, petitioner's original application seeking the relief, as claimed in this petition, was withdrawn with liberty to approach the appropriate Forum.

2. Learned counsel for petitioner relies upon Supreme Court's order of 1st September, 2017 in *Government of NCT of Delhi & Anr. Vs. Somvir Rana* (*Annexure P-7 colly*) to submit that denial of stepping up of pay is arbitrary and illegal. Reliance is also placed by petitioner's counsel upon order of 17th January, 2018 of a Division Bench of this Court in W.P.(C)

8922/2017 in *Adhyapak Shakti Manch, Delhi Vs. Government of NCT of Delhi & Anr.* to seek the relief claimed in this petition.

3. Learned counsel for petitioner asserts on instructions that though petitioner is a '*Work Experience Teacher*' but is equivalent to Trained Graduate Teacher (TGT) or Physical Education Teacher. It is pointed out by petitioner's counsel that *Mr. Siddharth Khatri*, Physical Education Teacher, has been given the benefit of stepping up and petitioner is at par with him but petitioner has not been granted stepping up of pay.

4. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with direction to petitioner to make a concise Representation to respondent- *Directorate of Education* to reconsider impugned order of 4th August, 2014 (*Annexure A-1*) in the light of the fact that Supreme Court in *Somvir Rana (Supra)* and Division Bench of this Court in *Adhyapak Shakti Manch (Supra)* have already ruled that Trained Graduate Teachers are entitled to stepping up of pay. So far as equivalence of petitioner with Trained Graduate Teacher and Physical Education Teacher is concerned, it is required to be looked into by respondent –*Directorate of Education*.

5. Learned counsel for petitioner submits that a Representation would be made to respondent- *Directorate of Education* within a week. If such a Representation is received by respondent- *Directorate of Education*, then it be decided by passing a speaking order within a period of twelve weeks in the light of decisions as referred to above and on the parity aspect. The fate of petitioner's Representation be made known to him within a week thereafter, so that petitioner may avail of the remedies, as available in law, if need be.

6. With aforesaid directions, this petition and the application are disposed of.

(SUNIL GAUR)
JUDGE

FEBRUARY 12, 2018

r

