

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1555/2025
MA No.1793/2025

New Delhi, this the 1st day of May, 2025

Hon'ble Mr. Sanjeeva Kumar, Member (A)
Hon'ble Mr. Ajay Pratap Singh, Member (J)

NAVEEN GREWAL & ORS.

Versus

DIRECTORATE OF EDUCATION

Appearance: Mr. Anuj Aggarwal with Mr. Nikhil Panwal, counsel for the Applicants.

Mr. Tanmay Vashishtha for Mr. Amit Anand, counsel for R-1 to R-4.

ORDER (ORAL)

ORDER ON INTERIM RELIEF

As per Hon'ble Mr. Ajay Pratap Singh, Member (J)-

MA No.1793/2025

Miscellaneous Application has been filed by the applicants seeking joining together in a single Application.

2. As the facts and the relief claimed by the applicants are identical, MA No.1793/2025 for joining together stands allowed.

OA No.1555/2025

3. Present matter was listed on 30.04.2025 for admission. On 30.04.2025, notice was issued to the respondents. Learned counsel for the applicants prayed for ad-interim protection directing respondents to accept application forms (online or off line) of the applicants for considering their candidatures for promotion to the post of P.G.T. (Physical Education) for the vacancy year 2022 and include in tentative list of available teachers in feeder cadre i.e. P.E.T. Counsel for respondents was granted time to seek instructions in the matter and today the matter is on the Board under caption "**For Orders**".

4. By way of present O.A., the applicants are seeking setting aside Clause (i) of Circular dated 11.12.2024 and declare applicants eligible for promotion to the post of P.G.T. (PET) for vacancy year 2022 as per

Column 11 of P.G.T. (Physical Education) Recruitment Rules, 2016. The applicants are senior to private respondents and completed more than half of the eligibility and are entitled for consideration for promotion to the P.G.T. (PE) cadre.

5. Main grievance of applicants as projected by counsel for the applicants can be summarized as under –

(i) Applicants submitted candidatures for post of Physical Education Teacher to Post Code No.210/2014 vide Advt. Dated 12.12.2014 and their batch-mates appointed in year 2018. For no fault of applicants, respondents appointed applicants from 01.07.2020 to 10.11.2020 and they joined during the period from 30.07.2020 to 14.12.2020 and after two years of joining as P.E.T., they are deemed confirmed.

(ii) *The Lieutenant Governor of NCT of Delhi framed Post Graduate Teacher (Physical Education) Recruitment Rules, 2016 in exercise of powers conferred by the proviso to Article 309 of the Constitution of India. The Column 11 of its Schedule, provides for promotion from PET to PGT (PET) and Note-1 provides that where juniors, who have completed their qualifying/eligibility service are being considered for promotion, their senior would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service. Admittedly, juniors to the applicants namely, Shri Surendra Singh, Sunil Kumar, Ankit Saini, Parvesh, Deepak Dabas, Akhilesh Kumar, Sharwan Kumar Lochab, arrayed as respondents, and others have been included in preparation of tentative list of available teachers in feeder cadre of PET for promotion to PGTS (PE) for vacancy year 2022, who have completed two years regular service in feeder cadre as on cut-off date of promotion i.e. 01.01.2020 (one should have joined as PET on or before 01.01.2020 for vacancy year 2022) whereas as per Column No.11 of PGT (PE) RR, 2016, applicants are also eligible for vacancy year 2022 and they are not allowed to apply online/off line and entitled for inclusion of their names in tentative list of available teachers in feeder cadre i.e. PETs for promotion to the post of PGT (PE).*

6. Learned counsel for the applicants presses for interim relief (as extracted from the OA) and reads as –

“Direct the respondents to accept the application forms (online or offline) of the applicants for considering their candidature for promotion to the post of PGT (Physical Education Teacher) from the post of Physical Education Teachers for the vacancy year 2022, as

required in terms of the Circular dated 11.12.2004, issued by the Directorate of Education, Govt. of NCT of Delhi.”

7. Learned counsel for the respondents on oral instructions would submit that applicants had not joined on 01.01.2020 and before 01.01.2022 not completed two years of service and he seeks time to file a short reply. So also *vehemently* opposes prayer for grant of any interim protection at this stage.

8. Heard. We have considered the matter. Admittedly, applicants are senior Physical Education Teacher to the private respondents being juniors. The Column No.11 of PGT (PE) RR, 2016 are statutory rules and as per Note-1, appended in Column 11 of RR, 2016, once juniors are being considered for promotion, their seniors would also be considered provided not short of more than half of such eligibility or two years, whichever is less. Applicants are senior PETs and juniors are being considered. It is trite in law that executive instructions in Circular dated 11.12.2024 will not have over-riding effect over statutory RR 2016.

9. Applicants have made out a strong *prima facie* case in accordance with statutory RR, 2016 for consideration for promotion to the post of PGT (PE) for vacancy year 2022 and we are of the considered opinion that balance of convenience is also in their favour and applicants are entitled for some ad-interim protection.

10. By way of ad-interim measure, respondents are directed to accept application forms (online or offline) of the applicants for consideration of their candidatures for promotion to the post of PGT (PE) from the post of PET *provisionally*, subject to final outcome of the present OA, and the same will not create any equity in favour of the applicants. Respondents are further directed not to publish the final result of the applicants without the leave of the Tribunal.

11. Modification or continuation of *ad-interim relief granted* shall be considered after filing of reply by the respondents.

17. **Call on 17.07.2025 for further consideration.**

18. Registry is directed to expedite issuance of certified copy of Order passed today/**Dasti order.**

(Ajay Pratap Singh)
Member (J)

(Sanjeeva Kumar)
Member (A)