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Central Administrative Tribunal  
Principal Bench, New Delhi

O.A.No.1991/2002

Hon'ble Shri V.K.Majotra, Member(A)

Tuesday, this the 30th day of July, 2002

Mrs. Sushila Kaul  
House No.2469  
Sector-C  
Vasant Kunj  
New Delhi - 110 070.

... Applicant

(By Advocate: Shri S.N.Anand)

Vs.

1. Government of National Capital Territory of Delhi  
Through Chief Secretary  
Secretariat  
ITO Complex  
New Delhi - 110 002.
2. The Additional Director of Education (Admn.)  
Govt. of NCT of Delhi  
Old Secretariat  
Delhi - 110 054.
3. Deputy Director of Education  
Government of NCT of Delhi  
District South West  
C-4, Vasant Vihar  
New Delhi - 110 057.

... Respondents

**O R D E R (Oral)**

By V.K.Majotra, M(A):

Heard the learned counsel.

2. Applicant's case is that though she stands promoted as Principal yet she has been discriminated against and not provided proper posting orders as such, while several colleagues and juniors of her's have been accorded status of the post and benefit of enhanced pay and allowances since December, 2001. Among others, applicant was promoted on officiating basis as Principal in the pay scale of Rs.10000-15200 plus allowances w.e.f. 3.12.2001 vide impugned order dated 7.5.2002. However, it was stated that she would be entitled for benefit of notional fixation only, and

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would not be entitled to arrears of pay and allowances as she has not actually worked on the post as Principal between 3.12.2001 and the date of orders i.e., 7.5.2002.

3. Learned counsel referred to Annexure-A4 dated 29.5.2002 whereby she has furnished her option regarding her posting to the respondents. She had sought a posting in District: South West (Area: R.K.Puram, Motibagh, etc.). Vide Annexure-A5, dated 12.7.2002 she made a specific request for posting in SKV, Sector-5, R.K.Puram, District: South West. Vide Annexure-A6 dated 19.7.2002 she was posted as Principal at SKV, Kidwai Nagar against a vacant post. Her name was shown at Sl. No.138 in this Annexure. When she reported for joining, she was informed by the Principal of SKV, Kidwai Nagar that there was no vacancy. It is alleged that since she belongs to SC, she has been discriminated and compelled to move from pillar to post. ~~-----~~ Her grievance is that whereas her colleagues, who were promoted as Principal by the same orders, have started enjoying status and enhanced pay and allowances but she has been deprived of such benefits.

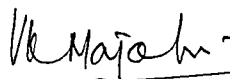
4. In a large organisation like Department of Education, these kinds of lapses are not unknown and the innocent do suffer.

5. From the facts and circumstances of the case, placed before me, and also considering the aggravation as the order of promotion was issued on 7.5.2002 effective from 3.12.2001, in my considered

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view, ends of justice would be served at this stage itself, and without issuing notices to the respondents, with direction to them to provide the applicant <sup>to</sup> a posting in pursuance of Annexure-A1 dated 7.5.2002 and her option Annexure-A4 dated 29.5.2002 within a period of 15 days from the date of communication of these orders. Applicant shall have liberty on remaining aggrieved. OA is disposed of accordingly. No costs.

Issue 'Dasti'.

  
(V.K. Majotra)  
Member(A)

/rao/