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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.650/2001

Thursday, this the 29th day of March, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Uttar Singh Rang
S/O Sh. Ram Sarup
R/O RZ 81-A Prem Nagar,
Phase-4, Najaf Garh,
Delhi-43.

..Applicant.

(By Advocate: Shri D.R.Gupta)

VERSUS

1. Govt. of NCT of Delhi
through its Chief Secretary,
Players Building, I.P.Estate,
New Delhi.
2. Secretary (Education)
Directorate of Education,
Govt. of NCT of Delhi,
Old Sectt., Delhi.
3. The Director,
Directorate of Education
Govt. of NCT of Delhi,
Old Sectt. Delhi.
4. Deputy Director of Education (Admn.)
Distt. South West,
Vasant Vihar,
New Delhi.

..Respondents.

(By Advocate: Shri Mohit Madan for Mrs. Avnish Ahlawat)

O R D E R (ORAL)

By Hon'ble Shri Justice Ashok Agarwal:

On 15.3.2001, the following orders were passed:-

"By an order passed on 5.8.1999 at Annexure A-2 applicant along with several other Lecturers had been promoted on regular basis to the post of Vice Principal. Applicant is now due to superannuate on 31.3.2001. While he is on the verge of superannuation by the impugned orders passed on 7.3.2001 and served on the applicant on 12.3.2001, he has been reverted to the post of Lecturer. This has been done without notice and without any justification. The same is bound to adversely affect

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his pensionary benefits. Hence, the present OA.

Having regard to the grievance raised, we direct notices to issue returnable on 29.3.2001.

Pending further orders, respondents are restrained from implementing the aforesaid order of reversion of 7.3.2001."

2. Shri Mohit Madan, learned proxy counsel for the respondents states that applicant had been wrongly promoted on the basis of wrong seniority assigned to him. After the error was detected, he has been reverted to his substantive post which cannot be successfully assailed by the applicant. He further states that applicant is due to retire with effect from day after tomorrow, i.e., w.e.f. 31.3.2001. Based on the aforesaid ad-interim order, respondents will be required to pay him retiral benefits based on his holding the promotional post of Vice Principal. In the event of his failing in the present OA, it will be difficult to recover the excess payment that will have to be ^{refunded} ~~paid~~ by him.

3. Having regard to the aforestated facts, we find that interest of justice would be adequately met by disposing of the present OA by setting aside the impugned order of ~~7.3.2001~~ ^{7.3.2001} at Annexure ~~A-2~~ ^{A-1} insofar as the same relates to the applicant on the sole ground that the same has been issued without following the due principles of natural justice and by granting liberty to the respondents to issue a show cause notice, if the same has not been so far issued or a fresh show cause notice in case one has already been issued and thereafter proceed to pass a suitable orders after affording the applicant

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① Corrected vide
Court's order
dated 2-5-2007


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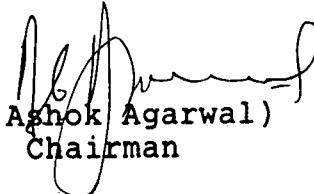
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reasonable opportunity of being heard. As far as pensionary benefits are concerned, we direct it will be open to the respondents to pay the applicant pensionary benefits based on his holding post of PGT. In case the applicant is held to be entitled to the post of Vice Principal, respondents will proceed to pay him the difference of pensionary benefits.

4. Present OA is disposed of in the aforestated terms. No costs.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/