

Central Administrative Tribunal, Principal Bench

C.P. 239/2000 In  
Original Application No. 2180 of 1999

New Delhi, this the 31st day of July, 2000

Hon'ble Mr. Kuldip Singh, Member (J)  
Hon'ble Mr. G.S. Tampi, Member (A)

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Smt. Krishna Katarya  
W/o Shri Naveen Katarya  
R/o K-1/43 Pepal Wala Road,  
Mohan Garden, New Delhi.

- Applicant

(By Advocate - Mrs. Meera Chhibber)

Versus

1. Shri S.C. Poddar  
Director of Education,  
Govt. of NCT of Delhi,  
Old Secretariat, Delhi-54.

2. Shri Narender Prashad  
Secretary (Education)  
Govt. of NCT of Delhi,  
Old Secretariat, Delhi-54.

- Respondents

(By Advocate - Shri Mohit Madan, proxy counsel for Mrs. Avnish Ahlawat for respondent No.1 and Shri Rahul Gupta with Ms. Shailly Bhasin Maheshwari, Counsel for respondent No.2).

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant had filed OA 2180/99 seeking permanent absorption as Assistant Teacher in Directorate of Education, Govt. of NCT of Delhi. While dismissing the OA, the respondents were directed not to relieve the applicant till mid May, 2000. The applicant in C.P. 239/2000 states that neither she has been relieved nor absorbed, therefore, she stands nowhere, as such an order may be passed relieving her w.e.f. 16.5.2000.

2. Counsel for respondents states that in fact the applicant stood relieved of her duties w.e.f. 5.10.99 (A/N) but because of the communication gap, this fact was not properly informed.

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3. However, on perusal of the records we find that on 13.10.99, on the statement of respondents' counsel that he had no objection if applicant was protected till the next date, this Tribunal passed an order directing respondents not to relieve the applicant and allow her to work till the next date, i.e., 8.11.99.

4. During the pendency of the OA, the court was never informed that applicant had already been relieved on dated 5.10.99. Moreover, once the counsel for respondents had given statement that he had no objection if applicant was continued to work till the next date, we presume that applicant should have been allowed to work till 15.5.2000. This Tribunal while disposing of the OA was conscious of the fact that the applicant was still in service and to prevent any hardship that may happen to her if she was to be relieved forthwith, the court even while dismissing the OA granted protection to applicant and directed respondents to relieve her only after the academic session is over and in any case, not to relieve her before 15.5.200.

5. After hearing both sides, we feel it fit and proper to direct respondents to pass an appropriate order for relieving the applicant w.e.f. 16.5.2000 within a period of one month from the date of receipt of a copy of this order and thereafter she can report for duty to her parent department. In view of this, C.P. is dropped and notices discharged.

6. Counsel for respondents states that he has moved

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an MA 1790/2000 for modification of the order 30.3.2000.  
The same will be decided as and when the aforesaid MA is  
listed.

Issue dasti

(G. S. Tampi)  
Member (A)

(Kuldip Singh)  
Member (J)

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