

106

**CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH**

**Original Application No.1129/1996**  
**M.A.No.1077/2004 and M.A.No.2072/2004**

**New Delhi, this the 29th day of October, 2004**

**Hon'ble Mr. Justice V.S. Aggarwal, Chairman**  
**Hon'ble Mr. S.A. Singh, Member (A)**

Vocational Part Time Teachers Association(Regd.)  
Through its President Smt. Vedwati Yadav  
148-A Todarmal Colony, Najafgarh, Delhi-43. ... Applicants

**(By Advocate: Sh. G.D.Gupta with Sh. S.K.Gupta)**

Versus

1. Lt. Governor  
NCT of Delhi  
Raj Niwas, Delhi.
2. Govt. of NCT of Delhi  
Through the Chief Secretary  
Delhi Secretariat, Players Bhawan  
P.P.Estate, New Delhi - 110 002.
3. Director  
Directorate of Education  
Old Secretariat  
5 Alipore Road, Delhi. ... Respondents

**(By Advocate: Sh. Vijay Pandita)**

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

**By Mr. Justice V.S.Aggarwal:**

By virtue of the present application, the applicants are seeking the following reliefs:

"1. To set aside the order of the Hon'ble L.G. dated 17.09.2002 being arbitrary & malafide & not being a speaking order informed with justifiable reasons.

2. To order that relaxations in R.R.s' be made in the light of the decision taken in the meetings held on 9<sup>th</sup> March 1998 & 18<sup>th</sup> May 1998 in the Chamber of Hon'ble Chief Minister so that absorption/regularization of the applicants be made strictly on the basis of seniority/eligibility against the existing vacant posts & also against the posts to be created in future.

*[Signature]*

107

3. Declaring the applicants entitled to be treated as regular P.G.T. (voc.) and/or regularizing their services as P.G.T. (Voc.) from the date when they have been performing duties as part time teachers/P.G.T. (voc.) with all consequential benefits.

4. And/or. In the alternative, declaring that the regular permanent post of P.G.T. (Voc.) which has become available to be filled up or not liable to be filled up afresh by calling from Employment Exchange or through D.S.S.S.B. and/or liable to be filled up from amongst the applicants who were appointed as part-time vocational teachers [and have, in fact, been performing the duties of P.G.T. (voc.) as full timer] on the basis of their selection in open competition in pursuance of their advertisement, on the basis of their seniority and performance to be seen either from the confidential reports, if available, or the results of their classes which they have been teaching with all consequential benefits.

5. Declaring the applicants entitled to be paid salary in the scale attached to the post of P.G.T. (Vocational) with arrears of pay from the date from which they have been performing duties of the part-time (Voc.) teachers/P.G.T. (Voc.). [The said prayer is being made because the applicants have been performing the same duties as are attached to the posts of P.G.T. (voc.) on full time basis and throughout the entire shift].

6. And/or directing the respondents to grant, if necessary, even relaxation either in regard to age or other requirements in regard to some of the applicants as per the necessity which may arise in a particular case in view of the peculiar circumstances of the said applicants as enumerated in the O.A. with all consequential benefits."

2. Needless to state that the application is being contested.

3. While the matter was argued, it was confined to the short question as to if the impugned order could be sustained when an Administrator/Lieutenant Governor of Delhi has not passed the same.

LSA

4. Suffice to say that earlier, OA 1129/1996 had been filed.

On 9.7.2001, the same was disposed of with the following directions:

"6. However, as Respondents with full knowledge of applicants have taken a certain decision which is now being modified pursuant to the review, it is fit and proper that applicants be given a reasonable opportunity of being heard by Respondents, and if they choose, for filing a representation to Respondents for disposing of the same by means of detailed and speaking order, before Respondents act as per modified decision.

7. The O.A. is disposed of accordingly with liberty to applicants, that if any grievance still survives thereafter it will be open to them to seek revival of this O.A. through an M.A. No costs."

5. Lieutenant Governor was a party in the earlier litigation. On 17.9.2002, the impugned order had been passed intimating that a policy decision had been taken by the Lieutenant Governor and the representation had been considered and disposed of.

6. The learned counsel for the applicant, as already referred to above, on the strength of the same had contended that the order had been issued by the Director of Education without the file being shown to the Lieutenant Governor. During the course of the submissions, it was not disputed that the file had not been seen by the Lieutenant Governor and a formal approval had not even been taken. The respondents even made available the original record, which is also to the same effect.


7. The file only had been seen by the Director of Education. Once there were some directions of this Tribunal, it was mandatory that the Administrator/Lieutenant Governor should have given the applicants a reasonable opportunity of hearing.

LSA

109

8. Consequently, without dwelling into the other questions, we dispose of the present application with the following order:

- a) Impugned order is quashed;
- b) In accordance with the order passed by this Tribunal in OA 1129/1996 dated 9.7.2001, it is directed that the Lieutenant Governor shall give the applicants a reasonable opportunity of being heard and dispose of the representation of the applicants by passing a detailed and speaking order, within four months.
- c) The applicants may file synopsis of the submissions and may seek personal hearing to which the competent authority would be within its right to pass the order and
- d) In case, there is any grievance, the applicants can take recourse under law and it would be within their right.

  
(S.A. Singh)  
Member (A)

  
(V.S. Aggarwal)  
Chairman

/NSN/