

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1261/96

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T.A. No.

DATE OF DECISION 24.1.2000

MS Asha Chugh

....Petitioner

Sh.B.S. Maine

....Advocate for the
Petitioner(s)

VERSUS

Delhi Admn.Govt.of India
through LT Governor and
ors.Respondent

Sh.B.S. Gupta learned counsel...Advocate for the
through proxy counsel Sh. Respondents
S.K. for the official respondents
Mrs.Meera Chhibber for the Pvt.Respondents

CORAM

The Hon'ble Smt.Lakshmi Swaminathan, Member (J)

The Hon'ble Smt.Shanta Shastray, Member (A)

1. To be referred to the Reporter or not Yes
2. Whether it needs to be circulated to other
Benches of the Tribunal? No.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 1261/1996

New Delhi this the 24 th day of January, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Hon'ble Smt. Shanta Shastry, Member (A)

Ms Asha Chugh,
D/O Shri Bhagwan Das
Stenographer,
Sales Tax Department
Govt.of NCT of Delhi
PPR Branch, Bikri Kar Bhawan,
3rd Floor, New Delhi
Resident of:

B-492, Pandav Nagar,
Near S.P.Depot,
New Delhi-8

..Applicant

(By Advocate Shri B.S. Mainee)

versus

Delhi Administration Govt.of India
through:

1. Lt.Governor,
Govt.of National Capital Territory,
Raj Niwas, Delhi.
2. The Chief Secretary,
Govt.of NCT of Delhi,
5,Sham' Nath Marg,Delhi..
3. The Director of Trg.& Tech.
Education, Govt.of NCT of Delhi,
C-Block, Vikas Bhawan, I.T.O.Complex,
New Delhi.
4. Shri C.M.Gulati,
Stenographer
C/O Directofate of Training and Tech.
Education, Govt.of Delhi, C-Block,
Vikas Bhawan, I.P.Estate, I.T.O.Complex,
New Delhi-2
5. Sh.Mallikharjuna Sarma Chitta,
Stenography Instructor, C/O the
Principal, Industrial Training
Institute. Govt.of Delhi, Malviya Ngr.,
New Delhi-17.
6. Sh.Kamal Krishan Hora,
Craft Instructor(Computer),
C/O the Principal, Industrial
Training Institute, Govt.of Delhi,
(Near DTC Bus Depot) Nand Nagari,
Delhi 110093.

7. Ms Sunita Shah,
Stenography Instructor,
C/O The Principal,
Industrial Training Institute,
Govt. of Delhi, Roshnara Road
(Old Sabzi Mandi), Sabzi Mandi,
Delhi-7

8. Sh. Parveen Bhardwaj,
Stenography Instructor,
C/O the Principal,
Industrial Training Institute,
Govt. of Delhi, Mori Gate,
Gokhala Road, Delhi-6

9. Sh. Parveen Sharma,
Stenography Instructor,
C/O the Principal,
Industrial Training Institute,
Govt. of Delhi, Jahangir Puri,
Delhi-33.

10. Mrs Lemta Rani,
Stenography Instructor (English),
C/O the Principal,
Industrial Training Institute
Govt. of Delhi, Jail Road, Opp. Tihar
Jail, New Delhi-64.

11. Miss Kanwal Jit Kaur,
Stenography Instructor (English),
C/O the Principal, Industrial
Training Institute, Govt. of Delhi,
Jail Road, Opp. Tihar Jail, N/Delhi-64

12. Ms Geeta Pandey,
Stenography Instructor,
C/O The Principal, Industrial
Training Institute, Govt. of Delhi,
Siri Fort, Khel Gaon Marg,
(Near Siri Fort Auditorium),
New Delhi-49

13. Ms Anjali Sharma,
Stenography Instructor,
C/O the Principal,
Industrial Training Institute,
Govt. of Delhi, Arab-Ki-Sarai,
Nizamuddin, New Delhi-13

14. Ms Prem Lata
Stenography Instructor,
C/O the Principal,
Industrial Training Institute,
Govt. of Delhi, Arab-Ki-Sarai,
Nizamuddin, New Delhi-13

15. Ms Hem Lata Tyagi,
Stenography Instructor,
C/O The Principal,
Industrial Training Institute,
Govt. of Delhi, Arab-Ki-Sarai,
Nizamuddin, New Delhi-110013.

.. Respondents

(By Advocate Sh. B. S. Gupta through proxy
counsel Sh. S. K. Gupta for the official
respondents)

(By Advocate Mrs. Meera Chhibber for the
private respondents)

O R D E R

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

This application has been filed by the applicant against the official respondents i.e. Govt. of NCT of Delhi and against the private respondents i.e. Respondents 4-15 against the order issued by the official respondents dated 20.5.1996 in which they have rejected her complaints/letter dated 2.11.95 and 1.1.1996.

2. On 6.1.2000, Shri B.S. Maine, learned counsel for the applicant had opened his arguments on merits and the case was listed on 13.1.2000 as part heard for conclusion of arguments. On that date, Shri R.R.Rai, learned proxy counsel for Shri B.S. Maine had submitted that he seeks permission to withdraw the OA on the ground that the applicant no longer wishes to pursue the OA as she has already been promoted.

3. Shri S.K.Gupta, learned proxy counsel for the respondents has submitted that he has no objection. Mrs.Meera Chhibber, learned counsel on behalf of respondent No.6, Sh.Kamal Krishan Hora has pressed for exemplary costs to be awarded against the applicant. She has submitted that Respondent 6 at the time the OA was filed was already selected as CI(Computer) in 1994, whereas what the applicant had agitated in the OA was regarding selection and promotion to the post of CI-Steno(English) in response to a circular which was circulated in 1995 only. Mrs. Meera Chhibber, learned counsel has, therefore, submitted that as the applicant had unnecessarily dragged Respondent 6 into litigation, when he was not at all concerned with either the impugned circular or the promotion/appointment to the post of CI-Steno(English), she has prayed for exemplary costs to be awarded in favour of Respondent 6. Learned counsel had also submitted that the pay scales for the post of CI(Computer) and CI Steno(English) are different - CI Steno(English) being in the scale of Rs. 1400-2300 whereas CI(Computer) being in the

scale of Rs.1400-2600 and these posts are also governed by different set of recruitment rules under the Directorate of Training and Technical Education. After considering the facts and circumstances of the case and the submissions made by the learned counsel for the parties, the costs of Rs.1000/- (One thousand only) was imposed against the applicant and in favour of Respondent 6. At this stage, Shri B.S. Maine, learned counsel for the applicant had made further submissions and stated that he wishes to clarify the position, namely, that the case is being withdrawn not because the case was weak but because the applicant has since got the promotion in the scale of Rs.1400- 2300 in her own department and therefore, does not wish to pursue the case any further. He has submitted that he has not been heard on the question of imposition of costs which has been granted in favour of Respondent 6, he would like to make further submissions on this issue.

4. Accordingly, Shri B.S. Maine, learned counsel for the applicant, Shri S.K. Gupta, learned proxy counsel for the official respondents and Mrs Meera Chhibber, learned counsel have been heard on the question of costs as claimed by Respondent 6 against the applicant.

5. Shri B.S. Maine, learned counsel has very vehemently submitted that the applicant was aggrieved by the orders passed by the respondents. He had submitted that the applicant had made a number of representations for which he had not received any reply from them. Finally, ^{she} ~~had made~~ enquiries from the officers of the official respondents as to why the result of the proficiency test held by them had not been declared and ^{they had} ~~completely ignored her for~~ to the ^{to} ~~the~~ reasons best known to them. According ^{counsel} to ~~counsel~~, the applicant was told that certain other persons like Respondent 6 have been appointed. He has very vehemently submitted that impleadment of respondents 4-15 was done by the applicant without any malafide intention and in a bonafide manner that they need to be impleaded

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as she was aggrieved by wrong action of the official respondents in not promoting her and giving the other persons higher positions. He has submitted that impleadment of Respondent 6 alongwith 11 others has been done ~~by~~ only on the basis of the information furnished by some officials of the respondents which was not intentional mistake. He has, therefore, prayed that ~~this~~ is not correct to award exemplary costs against the applicant and in favour of Respondent 6.

6. Mrs. Meera Chhibber, learned counsel has controverted the above facts. She has reiterated the stand that while the applicant was claiming selection and promotion to the post of CI Steno (English), Respondent No.6 has been selected as CI (Computer) much earlier in 1994 and he had nothing to do with the controversy and complaints she had against the action of the official respondents. Besides, she has submitted that the applicant has not even filed any rejoinder to the reply filed by Respondent 6 where she has clearly stated that the applicant has unnecessarily dragged him into litigation for which he has prayed for exemplary costs. Learned counsel has also submitted that the applicant cannot now plead that she had wrongly impleaded Respondent 6 as a necessary party whereas in the verification it has been clearly stated that this has been done, according to her knowledge. In the circumstances, she has pressed that in the facts and circumstances of the case, there is need for enhancement of amount of exemplary costs. After further consideration of the submissions made by the parties, the O.A. is disposed of as follows:-

O.A. is dismissed as withdrawn, noting that the applicant does not wish to pursue it as she has already been promoted. In the circumstances of the case, we reiterate the earlier order and impose costs of Rs.1000/- (Rs. One Thousand) only against the applicant and in favour of Respondent 6. ~~Respondent 6~~

Shanta Shastray
(Smt. Shanta Shastray)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)