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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL DRAWS

R.A. No. 22/97

IN

O.A. 11/96

New Delhi: this the 8th October, 1997.

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A)

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Smt. Nirmala Kumari,  
w/o Shri Vinay Yadav,  
R/o RZ-75, Block No. 3,  
Gopal Nagar, Surkhpur Road,  
Najafgarh  
New Delhi ..... Applicant.  
(By Advocate: Shri Rishikesh)

Versus

Govt. of NCT of Delhi,  
through its  
Director,  
Directorate of Education,  
Old Secretariat,  
Delhi - 110054 ..... Respondents.  
(By Advocate: Shri Vijay Pandita )

ORDER

BY HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

We have heard Shri Rishikesh for applicant  
and Shri Vijay Pandita for respondents on RA  
No. 22/97 seeking review of judgment dated  
2.12.96 in OA No. 11/96 Mrs. Nirmala Kumari  
Vs. Govt. of NCT of Delhi.

2. In that OA applicant had impugned  
the termination of her services said to have  
been effected by verbal orders of the School  
Principal and had sought a direction to  
Respondents to pay her the regular salary of  
Teacher from 4.8.93 onwards. During hearing on

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2. 12.96 applicant's counsel Shri Pillai had sought to establish that a vacant post of Hobby Teacher was available in that school against which applicant could still be adjusted. He had very fairly conceded, and that concession had been recorded in para 4 of the impugned judgment that in case there was no vacant post of Hobby Teacher available at that point of time, applicant would have no case. After hearing respondents' counsel as well as the Department Representative who was present in Court and perusing the available materials on record, the Bench had held that there was no available vacancy in that school against which applicant could be adjusted and had found itself unable to interfere in the matter beyond directing respondents to clear applicant's legitimate dues, if still unpaid.

3. In the RA applicant however asserts that a vacant post of Hobby Teacher is still available in the school where she was working against which she could be adjusted and a photocopy of a certificate dated 3.1.97 has been filed in support of this contention. Respondents however deny the existence of any vacancy. An RA has also been filed seeking condonation of delay in filing the RA.

4. Prayer for condonation of delay is allowed. The question whether a vacancy exists or not in the School in which applicant was working against which she could be adjusted is a question of

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fact and the position that obtained on 2.12.96  
may not be the same on 3.1.97. Under the  
circumstance, while the impugned judgment  
dated 2.12.96 warrants no modification, the  
RA is disposed of leaving it open to applicant  
to represent her case to respondents with  
such documents as she has at her disposal,  
for their consideration in the light of  
relevant rules and instructions.

A.Vedavalli  
( DR.A.VEDAVALLI )  
MEMBER(J)

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( S.R.ADIGE )  
VICE CHAIRMAN(A).

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