

(20)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

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.Nimla Kumari,
w/o Shri Viender Yadav,
R/o RZ-75, Block No.3,
Gopal Nagar, Surkhpur Road,
Najafgarh
New DelhiApplicant.
(By Advocate: Shri Rishikesh)

Versus

Govt. of NCT of Delhi,
through its
Director,
Directorate of Education,
Old Secretariat,
Delhi - 110054Respondents.
(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. Nimla 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 MA 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)

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

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