

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.1459 of 1997

New Delhi, this the 29th August, 1997.

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J)  
Hon'ble Mr. N. Sahu, Member(A)

Shri Chuttan Singh  
Lecturer, Physical Education,  
Sarvodaya Girls Vidyalaya,  
Mandawali, Delhi

R/o R-103, Gali No.2/2  
West Nathu Colony,  
Sahadra, Delhi-110 093

...Applicant

(By Advocate : Shri K.P. Dohare)

Versus

Govt. of NCT of Delhi : Through

1. The Chief Secretary  
Govt. of NCT of Delhi  
5, Shamnath Marg,  
Delhi- 110 054

2. Secretary, Services,  
Govt. of NCT of Delhi  
5, Shamnath Marg,  
Delhi- 110 054

3. Director of Education  
Govt. of NCT of Delhi  
Old Secretariat,  
Delhi

4. Deputy Director, Education,  
Office of the Dy. Director East Distt.  
Admn. Branch, Gita Colony,  
Delhi

... Respondents

(By Advocate : None)

ORDER (Oral)

Hon'ble Dr. Jose P. Verghese, Vice Chairman(J) -

The petitioner in this case is challenging the order passed by the respondents on 18.03.1997 by which post of Lecturer (Physical Education) which the petitioner was holding in Sarvodaya Girls Vidyalaya, Mandawali, Delhi was being surrendered to the Headquarters for his further posting elsewhere. The



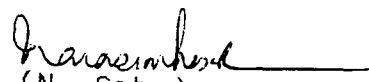
petitioner is challenging this order on the ground that the respondents are acting in malafide for the reason that he had joined the earlier petition as a respondent which this court happens to allow against the respondents.


2. Subsequently, in response to a show cause notice, the respondents appeared and stated that since there were no sufficient number of students opting for Physical Education in Class 10th, 11th and 12th, this post was surrendered. The order passed on 18.03.1997 is only on the basis of non-availability of students in the School who had opted for the subject. By an interim order we had directed the respondents to produce the records and the records were produced on 26.08.1997. On perusal of the records, we found that in the present year, in each Class, namely, 10th, 11th and 12th, there were about 96 students in all who had opted for the subject of Physical Education as per the records produced by the respondents and the records were handed over back to the respondents along with their counsel to verify the facts further and come up for further orders at the bottom of the list. Thereafter, the respondents as well as their counsel disappeared and did not appear on the last two days when this matter was listed and now when the matter is again listed today, none appears on behalf of the respondents. Due to this attitude of the respondents, we are unable to have a second look at the records today. While handing over the records, this Court had made an observation that the pages now being looked into shall remain intact when the records are



reproduced before the Court next time. In the absence of the records or their counsel, we have no other option left with us but to allow this OA and quash order dated 18.03.1997, since from the records we had verified that there were 96 students already on the roll.

3. In view of this, OA is allowed with a cost of Rs.1,000/- against the respondents who shall pay the same to the Legal Aid Cell of the CAT Bar Association. It goes without saying that the respondents are directed to implement the order forthwith and shall not stop the petitioner from joining the post till appropriate legal orders are passed.

  
(N. Sahu)  
Member (A)

  
(Dr. Jose P. Verghese)  
Vice Chairman (J)

/Kant/