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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2581/97

New Delhi this the 8th day of October, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri K. Muthukumar, Member (A)

In the matter of

Smt. Sandhya Kaul,
w/o Shri Tej Kaul,
R/O 112-M, Laxmi Nagar,
Delhi-110092
presently working as
Gymnastics Coach (Grade-1),
in the Sports Authority of India

(By Advocate Shri A.K. Behera)

... Applicant

Vs.

1. Director General
Sports Authority of India,
Jawahar Lal Nehru Stadium,
Lodhi Road, New Delhi.

(By Advocate Sh. M.K. Gupta)

.. Respondent

O R D E R (ORAL)

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

The grievance of the applicant is that the respondent has issued^a₂ show cause notice dated 28.4.1997 (Ann.A.1). The applicant has sought quashing of the show cause notice and to declare that she is a direct recruit Grade-II. The learned counsel for the applicant submits that the applicant was recruited as Gymnastics Coach Grade II w.e.f. 28.9.197 against the direct recruit quota. In the show cause notice the respondents have stated that treating the applicant as direct recruit was an administrative error. Learned counsel, therefore, submits that the respondents cannot disturb the settled seniority list after a lapse of 10 years and in these circumstances this OA was filed. The Tribunal by interim order dated 24.10.97 had passed a status quo order against the show cause notice. This interim order has been continued till date.

2. The respondents have submitted that the interim order passed by the Tribunal dated 24.10.97 is against the

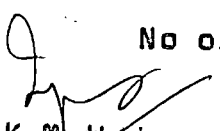
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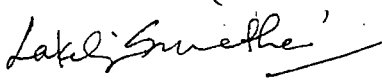
show cause notice and there is no reason why the same may not be vacated or modified. Shri M.K. Gupta, learned counsel, therefore, submits that reply has also been filed by the applicant, as called for in the show cause notice. This, however, has been disputed by the learned counsel for the applicant who submits that the reply has been filed by the applicant requesting that the relevant documents relied upon by the respondents should be made available to her so that she can file a detailed representation. Learned counsel for the respondents submits that because of the administrative error committed by the respondent treating the post of Grade II against which the applicant was recruited in 1987 she had received benefits for promotion in 1995 in Grade I which needs to be corrected. He, therefore, submits that only a show cause notice was issued, and the respondent has yet to take appropriate decision in the matter after receiving the detailed representation of the applicant.

3. In the above circumstances this OA is disposed of with the following directions:-

Status quo order dated 24.10.97 is vacated. The respondent shall pass orders on the applicant's representation by a reasoned and speaking order and the applicant will have to specify the reasons and the relevancy of ^{the} documents ~~as~~ sought ^{for} in the said representation, within 15 days from the date of receipt of a copy of this order. In case, any civil consequence flows from the decision of the respondent, the same shall not take effect till one month after communication of the order to the applicant.

No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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