

Central Administrative Tribunal
Principal Bench

O.A. No. 2617 of 1997

New Delhi, dated this the 28th September, 1998

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

Mrs. Rajbala
W/o Shri Kuldeep Singh Hooda,
R/o Vill. Bajipur P.O:
Nangal Thakran, Delhi. Applicant

(By Advocate: Shri Rishikesh)

Versus

1. Govt. of NCT of Delhi through the Chief Secretary, 5, Sham Nath Marg, Delhi.
2. Secretary-cum-Commissioner (Edu) Delhi Administration, Old Secretariat, Delhi.
3. Director (Edu.), Dte. of Education, Delhi Admn., Old Secretariat, Delhi.
4. UOI through the Secretary, Dept. of Education, Ministry of Human Resources Development, Shastri Bhawan, New Delhi. Respondents

(By Advocate: None for R-1 to 3
Shri VSR Krishna for R-4)

ORDER (Oral)

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

Applicant impugns respondents' order dated 21.5.93 (Ann. A) terminating her service with retrospective effect from 1.3.992 and prays for salary w.e.f. 1.3.91 along with regularisation of her service and other consequential benefits.

2. I have heard Shri Rishi Kesh for applicant. None appeared for R-1 to 3 (Delhi Administration). Shri VSR Krishna for R-4 appeared and has been heard.

(18)

3. Shri Rishikesh has invited my attention to judgment of the Tribunal dated 15.7.97 in OA-1166/93 Dr. Shashi Bala Gaur & Others Vs. Delhi Administration and other connected cases, wherein, in a similar circumstance it was held that an order terminating the service of those applicants retrospectively could not be sustained in law because no order having civil consequences can be passed which will take effect from a retrospective date. It was made clear in that judgment that those applicants would not entitle to emoluments for a period they had not actually worked, and accordingly it had been directed that in the event those applicants produced materials in support of their contention that they worked right upto the date the order had issued, respondents were to examine the same, and take decision on the emoluments payable to them. It had also been held that the decision to discontinue the honorarium was a policy matter and no right accrued to a person engaged in such honorarium based scheme. *Nothing has been shown to me to suggest that the aforesaid judgment in Dr S.B. Gaur case has not become final.*

4. As the aforesaid judgment is fully applicable to the facts and circumstances of the present case, ~~do~~ dispose of this Q.A. with a

direction to respondents to implement the aforesaid judgment dated 15.7.97 in Dr. Shashi Bala Gaur's case (Supra) in the case of present applicant also, within three months from the date of receipt of a copy of this order. No costs. ✓9

5. Later after the above orders were dictated counsel for Delhi Administration Shri Rajinder Pandita appeared.

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(S. R. Adige)
Vice Chairman (A)

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