

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 1687/2000

New Delhi: this the <sup>1<sup>st</sup></sup> day of MAY, 2001

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

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

R. L. Yadav,

S/o Late Shri Ram Khelawan,

Head of Department (Electronics)

and Acting Principal,

Guru Nanak Dev Polytechnic,

Sector -15, Rohini,

Delhi-85

....Applicant.

(Applicant in Person).

Versus

1. Lt. Governor,  
National Capital Territory of Delhi,  
Raj Niwas,  
Delhi-54.

2. Secretary-cum-Director,  
Govt. of NCT of Delhi,  
Deptt. of Trg. & Tech. Education,  
Munimaya Ram Marg, Pitampura,  
Delhi-88

3. Jt. Secretary-cum-Jt. Director,  
Govt. of NCT of Delhi,  
Deptt. of Trg. & Tech. Education,  
Munimaya Ram Marg, Pitampura,  
Delhi-88.

...Respondents.

(Shri Ram Kanwar, Advocate)

ORDER

S. R. Adige, VC (A):

The only relief pressed by applicant who argued his case in person during hearing of the OA was relief 8(ii) namely challenge to impugned order dated 26.8.98 (Annexure-I) and payment of the pay and allowances of the post of Principal (Engineering) for performing full addl. duties of that post from 27.8.98 till he continues to hold that post. Applicant stated that he was not pressing the other reliefs claimed in the OA.

2. Admittedly by impugned order dated 26.8.98 applicant who is Head of Department (Electronics) Ambedkar

Polytechnic was transferred as Principal, Guru Nanka Dev Polytechnic. By subsequent order dated 15.10.98 (Annexure-II) applicant was also declared Head of Office in respect of Guru Nanak Dev Polytechnic w.e.f. 27.8.98 till further orders.

3. Clearly applicant's posting as Principal and Head of Office Guru Nank Dev Polytechnic was not a short term arrangement to discharge the routine duties of Principal, but was a long term arrangement during which he was required to discharge all the duties and responsibilities of the Principal, including exercise of financial powers. In similar circumstance, the Hon'ble Supreme Court in the case of Selvaraj Vs. Lt. Governor of Island, Port Blair & Ors. (1998) 4 SCC 291 held that the applicant in that case would be entitled to the difference of salary in the appropriate time scale for the period during which he had actually worked on the higher post.

4. Applying that ruling to the facts and circumstances of the present case, this OA succeeds and is allowed to the extent that respondents are directed to pay applicant the pay and allowances of the post of Principal Guru Nanak Dev Polytechnic, less the pay and allowances already drawn by him for the period he has actually worked in the higher post of Principal. These directions should be implemented within 3 months from the date of receipt of a copy of this order. No costs.

*A. Veda Valli*  
( DR. A. VEDAVALLI )  
MEMBER (J)

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

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