

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 969/89
T.A. No.

198

DATE OF DECISION 18.1.1990

Shri S.P. Bhardwaj _____ Applicant (s)

None

Advocate for the Applicant (s)

Versus
Delhi Administration _____ Respondent (s)

Shri M.M. Sudan _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

(delivered by Hon'ble Shri P.K. Kartha, Vice-Chairman)

The applicant, who is a Trained Graduate Teacher (T.G.T.) working in the Senior Secondary Schools under the Delhi Administration, filed this application on 5th May, 1989 under Section 19 of the Administrative Tribunals Act, 1985 praying that the impugned order dated 11.4.1989 passed by the Additional Director of Education, Delhi (Respondent No.1) reverting him to the post of T.G.T. from the post of P.G.T. (Biology) be quashed and that the impugned order of reversion be stayed during the pendency of the application.

2. Notice was issued to the respondents on admission and interim relief. The respondents have filed their

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counter-affidavit. The case had been listed for hearing on 18.7.1989, 16.11.1989, 13.12.1989 and 9.1.1990.

Neither the applicant nor his Counsel was present on these occasions. On going through the records of the case and after hearing Shri M.M. Sudan, the learned Counsel for the respondents, we are of the opinion that the application could be disposed of at the admission stage itself.

3. The facts of the case are not in dispute. The applicant joined the service of the respondents in 1971 as Trained Graduate Teacher (TGT). Thereafter, he has worked in various schools under the Delhi Administration. His name figured in the tentative eligibility list for promotion to the post of P.G.T. (Biology) Male in the academic year 1988-89 at Sl. No.4. By Office Order dated 2.3.1989, the respondents promoted the applicant on ad hoc basis as P.G.T. However, on 11.4.1989, the respondents issued another order reverting him to the post of T.G.T. with immediate effect. This is under challenge in the present application.

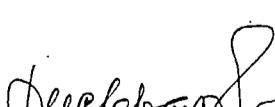
4. The case of the applicant is that while reverting him to the post of T.G.T., two other Teachers, namely, R.D. Shakya and C.S. Rautela, who were placed at Sl.Nos. 5 and 6 of the tentative eligibility list, had been retained.

5. The respondents have stated in their counter-affidavit that in the tentative eligibility list, the name of the applicant was shown at Sl.No.4 by mistake.

His correct seniority number is 2898 and not 2874, as shown in the tentative eligibility list. This mistake had crept in the seniority list but the applicant did not point out the error. The promotion of the applicant to the post of P.G.T. was made at a time when the error had not come to the notice of the respondents. It was a simple administrative error and when the error came to notice, the respondents corrected the same by reverting the applicant. His correct position in the tentative eligibility list would be after Sl. No.11, whose seniority number is 2896.

6. After considering the rival contentions of both the parties, we are of the opinion that there is no prima facie case for admitting this application. The reversion of the applicant was by way of correction of an administrative error. In such a case, the respondents are not required to give the applicant a show-cause notice. When promotion has been ordered under a mistake, subsequent reversion of the person concerned cannot be construed as reduction in rank and the provisions of Article 311 of the Constitution would not be attracted (vide M. Narayanan & Others Vs. Union of India & Others, A.T.R. 1986 (1) C.A.T. 130; State of Punjab Vs. Jagdip Singh & Others, A.I.R. 1964 S.C. 521; Balram Gupta Vs. Union of India & Another, 1987 (2) CAT 155 and Gurbax Singh Vs. Union of India & Ors., A.T.R. 1988 (1) C.A.T. 217.

7. In view of the foregoing, we see no merit in the present application and the same is dismissed at the admission stage itself. The parties will bear their own costs.


(D.K. Chakravorty)
Administrative Member

18/1/1990


(P.K. Kartha)
Vice-Chairman (Judl.)

18/1/1990