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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.765/88

Date of decision: 22.07.1993.

Shri V.R. Arya

...Petitioner

.. Versus

Union of India & Others

...Respondents

Coram:

The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioner None

For the respondents Shri Jagdish Vats, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

Shri V.R. Arya, the petitioner herein was recruited in the Education Department, Delhi Administration. He was subsequently transferred to the Adult Education, renamed as Institute of Formal Education and Adult Education. He has assailed the order of the respondents, transferring him back to the Education Department vide order dated 12.4.1988. The next order assailed is dated 20.4.1988 (Annexure III), according to which some Teachers working in the Adult Education Branch were transferred and posted back in the Education Department. The next order under challenge is at Annexure-IV A and IVB dated 26.4.1988, according to which TGT/Language Teachers working in Adult Education Branch were transferred to the various districts shown thereunder. The petitioner in this order figures at srl. No.10. Another order impugned is of 27.4.1988, according to which TGTs working in the Project Offices in the Adult Education Branch were to be relieved with immediate effect with the direction to report for duty to the DDE's concerned.

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2. Identical issues of law and of fact had come up for adjudication in OA-170 of 1987 - Bhim Sen Kalra v. Union of India & Others, OA-1822 of 1990 - B.S. Rana and 34 Others v. Union of India & Others & OA-2134 of 1990 Balwant Singh Rana v. Delhi Administration and another. These cases are decided through a common judgement dated 6.3.1992. As the issues of law and of fact raised in the present O.A are identical to the issues dealt with in the cases referred to above and are based on the ^{identical} ~~same~~ set of facts, we are of the opinion that the petitioner herein shall also be entitled to the same relief, as was given to the petitioners in OAs No.170/87, 1822/90 & 2134/90 referred to above. In the operative part of the judgement we had held that:-

"The challenge of the applicants to the order of their repatriation and to be retained in the Adult Education Branch on that account is held to be unsustainable. If, however, the respondents have continued certain employees on the posts of Project Officers and Supervisors who are junior to the applicants on the basis of their seniority against the posts of Project Officers/Supervisors in the regular scale, despite abolition of the posts, the respondents shall continue such of the applicants as are senior to the retained officials till the juniors are retained. In such a case, the applicants who may be retained would also be entitled to pay and allowances for the period in question in accordance with law and the applicable instructions. Respondents are also directed to consider the eligible Supervisors in the Adult Education Branch for promotion to the posts of Project Officers in conformity with the judgment dated 19-10-88 (Annexure A-II). In case the DPC finds the Supervisors to be considered, suitable for promotion to the posts of Project Officers, the orders of promotion of such officers will be made. They shall also be

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entitled to consequential benefits in accordance with law. This direction will not, however, impinge on the validity of orders of repatriation of the applicants to their parent department."

3. In view of the above facts and circumstances of the case we order and direct that the case of the petitioner herein shall also be dealt with in accordance with the directions, as reproduced above.

4. The O.A. is disposed of, as above. No costs.


(B.S. HEGDE)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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