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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.1817/90

NEW DELHI THIS THE 25 DAY OF NOVEMBER, 1994.

HON'BLE SHRI S.R. ADIGE, MEMBER (A)
HON'BLE MRS LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Padam Dayal,
Superintendent (Education),
Govt. Girls Senior Secondary School,
'Q' Block, Mangolpuri,
New Delhi-110034.Applicants

(By Advocate : S.C. Gupta ~~With Sh. L.R. Geel.~~

VERSUS

1. The Lt Governor, through
Chief Secretary
Delhi Administration Offices,
5, Sham Nath Marg,
Delhi-110 054.

2. The Chief Secretary,
Delhi Administration Offices,
5, Sham Nath Marg,
Delhi-110 054.Respondents

(By Advocate :

JUDGEMENT

Hon'ble Shri S.R. Adige, Member (A)

In this application Shri Padam Dayal, Superintendent (Education), Government Girls Senior Secondary School, 'Q' Block, Mangolpuri, New Delhi has prayed for quashing of the Delhi Administration Order dated 11.12.89 (Annexure 'F'), whereby the applicant's name has been omitted from regular appointment to Grade I and has prayed that he be placed between Serial No.11 and 12 of the said regularisation order dt 11.12.89. He has also prayed for quashing of Delhi Administration Order dated 8.06.90 (Annexure), whereby he was reverted

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from the post of FSO, on which he had claimed to have been working ever since his promotion on dated 20.01.88 and for restoration to the said post along with consequential benefits, including promotion to the Delhi and Andaman Nicobar Civil Services, (DANICS).

2. The applicant's case is that he joined service on dated 12.2.1958 and after due promotions from time to time, he was ultimately promoted to Grade-I (Executive) of the Delhi Administration Subordinate Services vide order dated 23.03.87 (Annexure B) on dated 28.6.80 upon the recommendation of the DPC. He has been continuously working as Grade I (Executive) Officer since then, and was even promoted as FSO. He states that his name has duly figured in the final seniority list of Grade I Executive officers as issued on dt 19.5.87, 21.5.87 and 20.10.89 but when the impugned regularisation order was issued on 11.12.89, his name was altogether omitted, against which he ~~he~~ filed a representation but that brought no response, upon which he was compelled to file this O.A. He also states that meanwhile, he was reverted from the post of FSO on which post he was promoted on 20.8.88. He had been working as Superintendent (Education) vide orders dated 8.6.90, although his juniors had been promoted to the said post by the same order dt. 8.6.90.

3. During the Course of hearing Shri S.C. Gupta, learned counsel for the applicant stated that after filing the O.A. the applicant has since been restored to Grade I (Executive) w.e.f. 03.3.81

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in accordance with ~~it~~ some letter which was issued in 1992. Shri Gupta was unable to produce that letter before us for our inspection and in the absence of the Respondent's counsel, the Departmental representative Shri Vinod Kumar was also unable to throw light on the circumstances in which the applicant had been restored to the Grade-I Executive w.e.f. 3.3.81 and not from 28.6.80 as claimed by him.

4. Under the circumstances, we dispose of this application by a direction to the respondents to examine the claim of the applicant for restoration as Grade I Executive w.e.f. 28.06.80, and further examine his claim for consequential benefits flowing therefrom, and dispose of these claims by means of a detailed, speaking ^{and a} reasoned order and under intimation to the applicant, within three months from the date of receipt of the copy of this judgement.

5. In the event that any grievance survives thereafter, it will be open to the applicant, after exhausting the departmental remedies available to him, to agitate the matter afresh before this Tribunal in accordance with law, if so advised. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

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