

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO 1985/2004
MA No.1693/2003
OA NO. 2388/2004

New Delhi this the 2nd November, 2004

HON'BLE SHRI JUSTICE V.S.AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A.SINGH, MEMBER(A)

OA No.1985/2004

1. Shri Prithi Singh,
S/o Shri Amir Singh,
TGT Hindi, GBSSS,
Bankner, Delhi.
2. Sh. Shyam Lal Sharma,
S/o Shri Jug Lal,
TGT S.S., GBSSS,
Poothkhurd, Delhi.
3. Sh. Yeg Dutt Sharma,
S/o Shri Brahm Dutt Sharma,
PET, GBSSS No.1,
Keshavpuram, Delhi.
4. Sh. Rajender Singh Dahiya,
S/o Sh. Chander Bhan,
TGT SS, ML GBSSS,
Narela, Delhi.
5. Sh. Rattan Lal,
S/o Sh. Punnu Ram,
TGT English, GBSS,
Azadpur Village, Delhi.
6. Sh. Subhash Chander Rohilla,
S/o Sh. Ram Chander,
TGT S.S. Govt. Co.Ed SSS,
Shahabad Dairy, Delhi.
7. Sh. Surender Singh Kohar,
S/o Shri Hari Ram,
TGT English, GBSSS,
A-Block, Jahangirpuri, Delhi.
8. Sh. Jai Prakash Dabas,
S/o Hari Singh,
TGT SST, GBSSS, Bawana, Delhi.
9. Sh. Mahender Singh Khatri,
S/o Shri Hira Lal,
TGT Natural Science, GBSSS No.2,
Narela, Delhi.
10. Sh. Gyan Chand Jain,
S/o Sh. Pohkar Mal Jain,
TGT English, GBSSS No.2,
Narela, Delhi.

Narela, Delhi.

11. Sh. Rajender Prasad,
S/O Shri Ram Karan,
TGT English, Sarvodaya Bal
Vidyalyaya, Sanoth, Delhi.
12. Sh. Ziie Singh,
S/O Sh. Shri Lal,
TGT English, GBSSS, E-Block,
Jahangirpuri, Delhi.
13. Sh. Shri Krishan,
S/O Shri Indraj Singh,
TGT Hindi Sarvodaya Bal Vidyala,
Nangal Thakaran, Delhi.
14. Sh. Mahender Singh Tushir,
S/O Shri Ram Dhir Singh,
TGT English, GBSSS, Singhu, Delhi.
15. Sh. O.P. Bandresh,
S/O Shri Bakhtawar Singh,
TGT Eng,lish, GBSSS,
Prahladpur, Delhi.
16. Shri Mahabir Prasad,
S/O Shri Karan Singh,
TGT SS Govt. Co-Ed. SS, Punjabi Basti,
Nangloi, Delhi.
17. Sh. Jai Bhagwah Sehwat,
S/O Shri Lal Chand,
TGT SST, Sarvodaya Kanya Vidyalyaya,
Bawana, Delhi.
18. Sh. Jai Prakash Bhardwaj,
S/O Shri Rishi Prakash,
TGT Sanskrit, GBSS, Barwala,
Delhi.

...Applicants.

(By advocate: Shri K.P. Gupta)

Versus

1. Union of India,
(Ministry of Human Resource and Development),
Shastri Bhawan, New Delhi. Through its
Secretary.
2. Govt. of NCT of Delhi
Through its Secretary (Education),
Old Secretariat, Delhi.
3. Director of Education,
Govt. of NCT of Delhi.
Directorate of Education,
Old Secretariat, Delhi.
4. Joint Director of Education (Admn.),
Govt. of NCT of Delhi
Directorate of Education, Old Secretariat, Delhi.

5. Deputy Director of Education,
Office of Deputy Director of Education,
District West B, G Block, Vikaspuri,
New Delhi.

(By Advocate: Mrs. Avnish Ahlawat, counsel for respondents no. 2 to 5
None for respondent no. 1)

OA No. 2388/2004

Smt. Rajwati Anand
W/o Shri Permanand
R/o Block A, H. No. A-33/1,
Kondli Colony (HB)
Kondli, Delhi-96.
By advocate: Shri M.K. Bhardwaj)

.....Applicant.

Versus

1. Govt. of NCT of Delhi
Through Secretary (Services),
Govt. of NCT of Delhi
I.P. Estate, New, Delhi.
2. Director (Edu),
Directorate of Education,
Old Secretariat, Delhi.
N.C.T. Delhi.
3. Secretary,
Ministry of H.R.D.
Shastri Bhawan,
New Delhi.

(By Advocate: Mrs. Avnish Ahlawat)

ORDER (ORAL)

By Mr. Justice V.S. Aggarwal, Chairman:

As the common questions are involved in OA 1985/2004 and OA 2388/2004, we propose to dispose of these two applications together.

2. Some of the basic facts can be delineated.
3. In OA No. 1985/2004, the applicants were appointed as TGT in the Entry Scale. They were granted Senior Scale between 21.1.2000 to 1.2.2002. On 9.8.1999, an Assured Career Progression Scheme had been introduced. The impugned order had been passed implementing the Scheme for the teachers on 25.8.2003, as a result of which, on 19.4.2004 another order was passed for withdrawal of Senior Scale granted to the applicants after 9.8.1999.
4. To keep the record straight, we deem it necessary to mention that the learned counsel for the applicant has drawn our attention to the fact that the Union of India has already written to the National Capital Territory of Delhi pointing out that it has not been

Ag

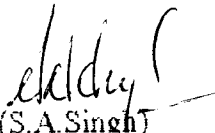
found admissible to extend the ACP Scheme to the teachers and they will continue to the existing Scheme of three tier pay scales applicable to them. We hasten to add that since the matter is stated to be pending with National Capital Territory of Delhi, we are not expressing any opinion. However, it was urged that while withdrawing the benefits from the Senior Scale, no show-cause notice had been issued by the respondents. This fact was not disputed.

5. The position in law is well-settled is that when the civil rights of a person are affected, in that event, before withdrawing the benefits, a show-cause notice must be issued. This is based on the principles of natural justice.


6. In the present case, when such show-cause notice has not been given, it will not be possible to sustain the order.

7. Resultantly, we allow the present applications and quash the impugned order withdrawing the benefits. Before taking any action the respondents should issue the show-cause notice and, thereafter, pass an appropriate speaking order. Pertaining to other controversies, we do not express any opinion.

Issue Dasti.


(S.A. Singh)
Member (A)

/kdr/


(V.S. Aggarwal)
Chairman