

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**RA No.176/2017
In
OA No.3432/2015
MA No.2660/2017**

New Delhi this the 9th day of August, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Shri Rishi Pal Singh
Date of Birth 08.07.1957
S/o Shri Girdhari Singh
R/o H.No.3, Gali No.9/1
Thakur Rimal Singh Gate
Samboli, Shahdara
Delhi – 110 094.
Presently posted as Lab Assistant
In RDJK Govt. Boys Secondary School
Bhajanpura, Delhi – 110 053.

.... Applicant

(By Advocate:None)

VERSUS

1. Govt. of N.C.T. of Delhi
through Hon'ble Chief Secretary of Delhi
Delhi Secretariat, I.P.Estate
New Delhi – 110 002.
2. Director Education
Directorate of Education, GNCT of Delhi
I.P.Estate, New Delhi – 110 002.
3. Dy. Director of Education
Directorate of Education
District North-East, B-Block
Yamuna Vihar, Delhi.
4. Shri Khushi Ram
DDO/Vice Principal
RDJK GBSSS, Bhajanpura
Delhi – 110 053.
5. Shri Ram Kumar, Lecturer/PGT
Incharge of MACP Cell
In the office of Dy. Director of Education
District North-East, B-Block
Yamuna Vihar, Delhi – 110 053.

.... Respondents.

ORDER (ORAL)

By Hon'ble Mr.V. Ajay Kumar,

Even on the revised call there is no representation for the Review Applicant.

2. The instant Review is filed seeking to recall the order dated 09.05.2017 passed in MA No.3358/2015 which was disposed of as under :-

"Heard both sides.

2. When this matter is taken up for hearing, it is submitted by learned counsel for both sides that the substantial relief of 3rd MACP was already granted to the applicant.

3. In the circumstances, the OA having become infructuous needs no further orders and accordingly disposed of. No costs.

Pending M.A., if any, stands disposed of."

3. The instant review has been filed by submitting the following grounds :-

- "A. BECAUSE the penalty of one increment for one year without cumulative effect ceased to have effect w.e.f.17.07.2015.
- B. BECAUSE the respondent no.4 Shri M.L.Ambhore, the then Deputy Director of Education vide order dated 27.01.2016 again tried to defer the grant of MACP-3 further upto 30.06.2016.
- C. BECAUSE Sh. Khushi Ram, the then D.D.O./respondent no.5 tried to implement the penalty order dated 18.07.2014 in a way so as to prolong the effect of penalty for more time than was intended to be imposed, to the detriment and harassment of the applicant.
- D. BECAUSE the relief of interest for late grant of MACP-3 and consequent release of arrears is one of equitable right.
- E. BECAUSE the interest was sought as one of the reliefs in the O.A. as well.
- F. BECAUSE extension of such a benefit of interest on late grant of MACP has been a case of precedent granted to one Shri Ramesh Chandra Yadav-TGT (Maths), in O.A.3656/2014 decided on 21.12.2015 by this Hon'ble Tribunal (Copy of the Tribunal order dated 21.12.2015 enclosed and marked as (Annexure R-9).
- G. BECAUSE even the Appellate Authority in para no.15 of the Appellate order (Annexure R-6) has admitted "there is no doubt that the Charged Officer has to bear a lot of mental agony due to delay for various reasons in passing of penalty order by disciplinary Authority and it is this admitted delay which has not been appreciated by the Hon'ble Tribunal and the

applicant/person seeking review herein has been decidedly caused prejudice due to delay and that is a latent delay and is not manifest and the discernible delay is only from 17.07.2015 to 31.03.2016 as the order for grant of MACP-3 is dated 21.03.2016.

- H. BECAUSE the actual delay admitted by the Appellate Authority, as aforesaid, is from 2006 to 2016 in contrast to the apparent delay of only 8 months from 17.07.2015 to 31.03.2016, so, the case of the Applicant seeking review deserves to be admitted for grant of interest either @ 10% per annum as prayed in the O.A. or as per appropriate rate of interest admissible on the G.P.F. amount."

4. None of the grounds referred above are sufficient and valid to invoke the revisional jurisdiction of this Tribunal as per the settled principle of law and also the relevant provisions of the A.T. Act, 1985.

5. In the circumstances, we do not find any merit in the RA and accordingly, the same is dismissed. No costs.

(NITA CHOWDHURY)
Member (A)

(V. AJAY KUMAR)
Member (J)

/uma/