

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO.2046/2014

Reserved on 08.02.2016
Pronounced on 17.02.2016

**HON'BLE DR BIRENDRA KUMAR SINHA, MEMBER (A)
HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)**

Smt. Asha Chandra,
Vice Principal,
Aged about 58 yrs.,
W/o Sh. Om Prakash
R/o 1/7699, Gali No.3,
East Gorakh Park,
Shahdara, Delhi-110055.

...Applicant

(By Advocate: Mr. T.D. Yadav)

VERSUS

1. Govt. of NCT of Delhi
Through Chief Secretary
I.P. Estate, Delhi Secretariat,
New Delhi.
2. Director of Education
Directorate of Education
Old Secretariat, Delhi.
3. Special Director of Education (SB)
Govt. of NCT of Delhi,
Directorate of Education
Sectt. Branch, Old Secretariat, Delhi.
4. The Deputy Director of Education
Distt. North East, 'B' Block,
Yamuna Vihar, Delhi. ...Respondents

(By Advocate: Mr. K.M. Singh)

:ORDER:**BY DR BRAHM AVTAR AGRAWAL, MEMBER (J):**

The applicant was promoted as Vice-Principal on 28.12.2012 (Annexure D). The order of promotion was cancelled on 15.04.2014 (Annexure A) for the reason that the applicant was considered for promotion on the basis of wrong seniority, i.e., seniority no.407 (1990-1994), which was subsequently corrected on 12.09.2013 after inviting objections on 01.08.2013 and the correct seniority number assigned to the applicant is 2578 (2002-2006), whereas the last seniority number covered in the said promotion was 1035 (1994-2001) in SC (Female) category. Before ordering her reversion, a Show Cause Notice dated 26.02.2014 (Annexure H) was issued to the applicant, to which she replied on 12.03.2014 (Annexure R-1), wherein it is admitted that she enjoyed incorrect seniority number, of course, due to some wrong on the part of the respondents.

2. The applicant, through the instant OA, prays that the impugned order dated 15.04.2014 (Annexure A) be quashed, that her promotion as Vice-Principal be restored and that the seniority no.407 be maintained to her benefit.

3. We have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited at the Bar, and given our thoughtful consideration to the matter.

4. It is well-settled that an administrative error can be corrected at any time, of course, after affording an opportunity of hearing to the person affected, and this has been done in the instant case. The question is as to whether an employee should be allowed to continue reaping an unjust benefit. The answer, in our view, would be in the negative.

5.1 The learned counsel for the applicant has relied on the following two judgments of the Hon'ble Supreme Court:

- i) Mrs. Rekha Chaturvedi Vs. University of Rajasthan & Others [JT 1993 (1) SC 220]; and
- ii) Malcom Lawrence Cecil D'Souza Vs. UOI & Others [AIR 1975 SC 1269].

5.2 In *Rekha Chaturvedi*, selections were not set aside in January 1993 as the selected candidates had been working in the respective posts since February 1985 – a gap of eight years. The said case is not relevant to the facts of the instant case.

5.3 In *Malcom Lawrence Cecil D'Souza*, the writ petitioner therein was not allowed to challenge the seniority list after lapse of so many years. It was not a case of correction of an error by a Department. Hence, this case also is not relevant to the facts of the instant case.

6. In the light of the above, we are of the view that the present OA is devoid of merits. The same is, therefore, dismissed. Order granting status quo is hereby vacated. No order as to costs.

(Dr. B.A. Agrawal)
Member (J)

(Dr. B.K. Sinha)
Member (A)

/jk/