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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1422/2003

Friday, this the 30th day of May, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri Govindan S. Tampi, Member (A)

Shri S.P. Handa  
s/o Shri D.D. Handa  
r/o 110/1 D, Ward No.XI  
West Azad Nagar, Delhi-51

..Applicant

(By Advocate: Shri R.P.Kapur)

Versus

1. The Govt. of NCT of Delhi  
through Secretary,  
M/o Education  
Old Secretariat, Delhi
2. The Directorate of Education  
through Directorate of Vigilance  
Old Secretariat  
Delhi
3. The Education Officer  
Zone-1, Delhi
4. Shri S.P.Singh  
Principal,  
Govt. Sarvodaya Bal Vidyalaya  
Surajmal Vihar, Delhi-92
5. Shri M.L.Singhal  
Principal  
Govt. Sarvodaya Bal Vidyalaya  
Kiran Vihar, Delhi-92
6. Shri R.P.Singh  
Principal, ACC GSBV, Jhilmil Colony  
Delhi
7. Shri G.T.Zhakardy  
Asstt. Director of Education  
Distt. East, Rani Garden, Delhi

..Respondents

O R D E R (ORAL)

Shri Justice V.S.Aggarwal:

Learned counsel for applicant contends that the applicant served the Department for thirty nine years. He has since superannuated on 31.8.2002. Before he superannuated, on 29.6.2002, an order was passed by the

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respondents suspending the applicant in contemplation of the same disciplinary proceedings.

2. The said order is being challenged on the grounds:-

- a) it has not been issued by the Director of Education and the Deputy Director (Education) is not the competent authority to issue such an order,
- b) when the applicant was suspended, no disciplinary proceedings contemplated against him; and
- c) there is no ground to transfer the applicant.

3. In this regard, the applicant has submitted the representations dated 13.5.2003 and dated 26.12.2002. The same have not been decided.

4. Once the matter is before the Secretary (Education) and the rights of the respondents are not likely to be affected, we deem it unnecessary to give a show cause notice while disposing of this application.

5. Resultantly, the present OA is disposed of directing that Director of Education, respondent No.2 will consider the said representations and the plea of the applicant by passing a speaking order preferably within three months of the receipt of a certified copy of the present order.

(Govindan S. Tampi)  
Member (A)  
(sumit)

Ag

(V.S. Aggarwal)  
Chairman