

(7)

Central Administrative Tribunal  
Principal Bench

OA No.2910/2003

New Delhi this the 19th day of May, 2004

**Hon'ble Shri Shanker Raju, Member (J)**

1. Ms. Laxmi W/o Shri Heera Lal,
2. Ms. Beena Rastogi W/o Shri Vijender Nath Rastogi,
3. Ms. Subhashini Mathur W/o Shri Chander Mohan Mathur,
4. Ms. Kanta Chaudhary W/o Shri Ved Prakash,
5. Ms. Shakuntala Mittal W/o Shri Surendra Kr. Mittal,
6. Bhupender Jeet S/o Shri Chander Singh,
7. Ms. Rita Kanojia W/o Shri Raj Kunmar Kanojia,
8. Ms. Kiran Sikri W/o Shri Satish Sikri,
9. Ms. Sudesh Dabas W/o Shri Rishpal Singh.

(Applicants No. 1 to 5 are working as Teachers in Nursery & Primary School for deaf, Mayur Vihar, Phase-I, Delhi-91 and applicants No.6 to 9 are working as Teachers in Nursery & Primary School (West) Rohini, New Delhi.

-Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. NCT of Delhi  
Through the Chief Secretary,  
New Sectt. New Delhi.
2. The Director,  
Directorate of Social Welfare,  
Govt. of NCT of Delhi,  
K.G. Marg, New Delhi-1.
3. The Superintendent (Admn.),  
Department of Social Welfare,  
GLNS Building, Govt. of NCT of Delhi,  
Delhi Gate, New Delhi-02.
4. The Secretary,  
Department of Finance,  
Govt. of NCT of Delhi,  
New Sectt. New Delhi.

-Respondents

(By Advocate: Ms. Sumedha Sharma)

**ORDER (Oral)**

Heard the parties.

2. Applicants impugn respondents' orders dated 1.11.2002, 26.2.2003 as well as 11.9.2003 where special allowance has been discontinued.

3. Learned counsel for applicants Ghri Yogesh Sharma contends that applicants had been disbursed the special allowance on the directions of the Cadre Controlling Authority till 11.9.2003. The same has been discontinued only on a non-speaking order passed by the Finance Department.

4. Learned counsel alleges hostile discrimination with regard to other similarly circumstance Teachers in GLNS where the special allowance and its double rates has not been discontinued.

5. Learned counsel of the respondents Ms. Sumedha Sharma states that as the Finance Department has not agreed to continuance of the special pay on double rates, the claim of the applicants is liable to be rejected.

6. Constitutional Bench of Apex Court in **D.S. Nakara Vs. Union of India** 1983 SCC (L&S) 145 held the<sup>k</sup> discrimination to a class<sup>as</sup> unconstitutional.

7. A discrimination offends principle of equality enshrined under Article 14 of the Constitution of India if it is not based on intelligible differentia and has no reasonable nexus with its object sought to be achieved.

8. Teachers similarly circumstance, forming a

class in GLNS have been getting the special allowance with double rates, this cannot be denied to the applicants which would be arbitrary and offends principle of equality. No reasons have come-forth as to why the Finance Department of Government of NCT discontinued the same.

9. Accordingly, OA is allowed. Impugned orders are set aside. Respondents are directed to continue grant <sup>of</sup> special allowance at double rates. In that event, applicants shall be entitled for all consequential benefits. This shall be paid to them within a period of two months from the date of receipt of a copy of this order. No costs.

S. Raju  
(Shanker Raju)  
Member (J)

cc.