

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1713/99

New Delhi this the 10th day of August, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN (J)
 HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (ADMNV)

Sunil Kumar,
 S/o Sh. Dharam Singh,
 R/o V & PO Morta,
 Distt. Ghaziabad (UP).

...Applicant

(By Advocate Shri P.L. Mimroth)

-Versus-

1. Chairman,
 Kendriya Vidhalya Sangathan,
 18, Institutional Area,
 Shaheed Jeet Singh Marg,
 New Delhi.

2. Regional Commissioner,
 Kendriya Vidhlaya Sangathan,
 Qr. No.161/4, Sector No.30,
 Ghandi Nagar-382030.
 (Gujrat)

3. Chairman,
 National Commission for SCs & STs
 Govt. of India,
 Vth Floor,
 Lok Nayak Bhawan,
 Khan Market,
 New Delhi.

...Respondents

(By Advocate Sh. L.R. Khatana proxy for Sh. S. Rajappa,
 Advocate)

O R D E R (ORAL)By Reddy, J.-

The selection of the applicant as SUPW Teacher by the Kendriya Vidhalya Sangathan (KVS for short) Regional Office, Ahmedabad is in question in this OA.

2. The applicant had applied for the above post in pursuance of the advertisement issued by the KVS, Ahmedabad Region on 27.10.95 and it is stated that he has been interviewed and selected and his name was included in the list of four selected candidates. The advertisement was called for filling up the backlog vacancies of the scheduled

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castes and scheduled tribes. All the posts are sought to be filled up by reservation. Since the applicant has not been appointed, he filed this OA.

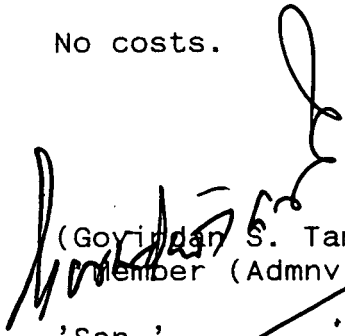
3. Two objections have been raised by the respondents. Firstly, that this Tribunal has no jurisdiction to entertain this OA as the impugned selection was made by the KVS, Ahmedabad Region at its Regional office Gandhi Nagar, Gujrat, ^h ~~hence~~ the Ahmedabad Bench of the Tribunal can only entertain this OA. The second objection is as regards misjoinder of parties. The respondent being the Chairman of the KVS is not a competent person to be sued. The OA has to be dismissed on the ground of misjoinder of parties.

4. The learned counsel for the applicant submits that as the panel of the selected candidates was sent to the main office at Delhi this Tribunal can exercise jurisdiction. We do not see any substance in this ^{plea of the applicant} ~~contention~~. The interviews have been called ^{for} by the Regional Office at Ahmedabad and it is stated by the learned counsel for the respondents that the appointing authority is also stationed at Guj^arat, hence the OA cannot be entertained by this Tribunal.

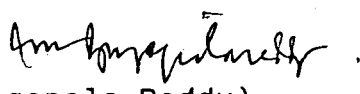
5. We ~~are~~ also equally find that the second objection is substantial. The Chairman, ^{is stated to be} ~~being~~ a nominated person and not being an officer of the KVS and as the Joint Commissioner being the concerned officer to be sued, the OA is liable to be dismissed on the ground of misjoinder of parties.

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6. In the circumstances, the OA is liable to be dismissed, accepting both the preliminary objections. The OA is accordingly dismissed at the admission stage itself. No costs.


(Govindan S. Tampi)
Member (Admnv)

'San.'


(V. Rajagopala Reddy)
Vice-Chairman (J)