

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1248/2000

NEW DELHI, THIS THE 25TH DAY OF JULY, 2000.

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

Anita Verma
TGT (Social Studies)
Kendriya Vidyalaya
INA Colony, New Delhi.

...Applicant

(By Shri Anil Srivastava, Advocate)

vs

Kendriya Vidyalaya Sangathan
Delhi Region
Through Assistant Commissioner, JNU Campus
New Mehrauli Road,
New Delhi-67.

...Respondent

(By Shri S. Rajappa, Advocate)

ORDER (ORAL)

JUSTICE ASHOK AGARWAL:

On 11.7.2000 following order was passed by

us:-

"The applicant is working as Trained Graduate Teacher (Social Studies) in the Kendriya Vidyalaya Sangathan. She had applied for the said post in response to an advertisement issued in Employment News on 30.11.85. She has been confirmed to the said post w.e.f. 3.9.88 as is reflected from the order issued on 4.8.93 at page-32. By her application of 8.6.2000 applicant applied for two years study leave. In response to the said application a Memorandum has been issued to her on 28.6.2000 at page-8 pointing out that whereas in her application for initial appointment she had mentioned that she had acquired M.A.(History), she had in fact acquired History of Art (Architecture). She had accordingly been directed to show cause why her services should not be terminated for making a false statement to the effect that she had passed M.A. (History) Examination of Banaras Hindu University though she had not passed the above examination as stated in her application. According to the

applicant, she is holding the aforesaid post on substantive basis; her services cannot be summarily terminated without issue of a show cause notice and without following the principle of natural justice. It is, inter alia, pointed out that the aforesaid qualification of M.A. (History) is not a requisite qualification for appointment as TGT (Social Studies) to which the applicant had been appointed. In this behalf, reference is made for Appointment, Promotion, Seniority etc. Rules, 1971 page-10 and the schedule attached thereto. Reliance is also placed on an advertisement issued on page-25 inviting applications. The same does not make the subject of M.A. (History) as an essential qualification for the post. Reliance is also placed on Govt. of India's Instructions at page-39 which mandates holding of a departmental enquiry in respect of candidates who have become Govt. servant as prescribed in Rule-14 of CCS (CCA) Rules, 1965. Further reliance is also placed on the certificates which the applicant had annexed alongwith her application form. The same indicates that applicant had passed M.A. in History of Art. Applicant has also mentioned the very same qualifications in her application for leave at page-42. Applicant in the circumstances cannot be held guilty of fraud, as at no point of time, she has suppressed her true qualification. In any event, no action as proposed for termination of the service can be resorted to without following the principles of natural justice. This is particularly so in view of the instructions contained at page-39.

Having regard to the claim made, we direct notices to issue to the respondents returnable on 25.7.2000.

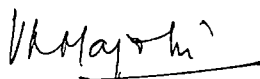
Pending further orders, respondents are restrained from taking any action pursuant to the impugned Memorandum of 20.6.2000 at page-8."

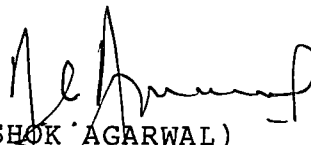
2. Shri S.Rajappa, learned counsel appearing on behalf of the respondents makes a statement that respondents will not resort to action of terminating the services of the applicant without holding a proper enquiry under Rule 14 of the

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Ref

CCS (CCA) Rules, 1965. In view of the statement made, prayer made by Shri Anil Srivastava, learned counsel for the applicant for withdrawal of the OA is granted. OA is disposed of as withdrawn. No costs


(V.K. MAJOTRA)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

sns