

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00627/2020

Tuesday this the 22nd day of December, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

Ashok Kumar V.P

Aged 51, S/o.Padmanabhan Nair

Music Teacher, Jawahar Navodaya Vidyalaya

Vadavathoor P.O, Kottayam -686 010

Residing at Jawahar Navodaya Vidyalaya Quarters

Vadavathoor P.O, Kottayam -686 010

Phone No.9447254367

..... **Applicant**

(By Advocate : Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. Navodaya Vidyalaya Samiti, Represented by its Chairperson
Ministry of Human Resource & Development
Shastri Bhawan, New Delhi – 110 001

2. The Commissioner
Navodaya Vidyalaya Samiti
Department of School Education & Literacy
Government of India, B 15, Institutional Area, Sector 62
Noida, Gautam Budh Nagar Dist, Uttar Pradesh – 201 309

3. The Deputy Commissioner (Pers)
Navodaya Vidyalaya Samiti (Hyderabad Region)
Ministry of Human Resource & Development

1-1-10/3, Sardar Patel Road, Secunderabad – 500 003

4. Union of India, represented by the Secretary
Ministry of Human Resource & Development
Shastri Bhawan, New Delhi – 110 001

..... **Respondents**

(By Advocate : Mr.M.K.Padmanabhan Nair, ACGSC)

This application having been heard on 22.12.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

The applicant was recruited as a Music Teacher on 6.8.1995. In terms of the scheme in force in NVS, on completion of 12 years, applicant would become eligible for grant of senior scale. The requirement is to undergo 21 days in-service training. When training was scheduled on 3.5.2007 to 23.5.2007 at JNV Shimoga, the applicant was not informed about the same and therefore he could not attend the training. Again in April 2008, when training was scheduled in JNV Trivandrum, despite applicant's name being recommended for inclusion, he was not deputed for training and therefore the applicant could not attend the same. He thereafter underwent 21 days training from 13.10.2014 to 2.11.2014. In the meanwhile, the applicant become eligible for grant of Selection scale on 6.8.2019 and by virtue of the order of this Bench at Annexure A-7, he is entitled for grant of selection scale also . However, the same is not granted to the applicant. Hence he approached this

Tribunal praying for the following reliefs:

- "1. Direct the respondents to grant senior scale to the applicant w.e.f the due date.*
- 2. Declare that the applicant is entitled for grant of selection scale on completion of 24 years of service, as is granted in the order as at Annexure A7 and direct the respondents to grant the same with all consequential benefits.*
- 3. Any other further relief or order as this Tribunal may deem fit and proper to meet the ends of justice.*
- 4. Award the cost of these proceedings. "*

2. When the matter came up for admission hearing, it appears that all the remedies are not exhausted and a representation is pending before the Competent Authority as Annexure A-8.

3. **In view of the above circumstances, the O.A is disposed of at the admission stage itself with a direction to the respondents to consider Annexure A-8 representation in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of 3 months from the date of receipt of a copy of this order. No costs.**

(K.V.EAPEN)
ADMINISTRATIVE MEMBER
SV

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

Annexure A1 - True copy of proposal sent by the Principal, JNV, Idukki vide No.III-17/JNVI/2012-13/789 dated 26.3.2013

Annexure A1(a) - True copy of communication No.III-24(PF)/JNVI/2012-13 dated 26.3.2013 forwarding the representation of the applicant by the Principal JNV, Idukki

Annexure A2 - True copy of communication No.III-17/JNVI/2013-14/593 dated 23.1.2014 issued by the Principal, JNV Idukki

Annexure A3 - True copy of communication No.F.119/JNVK/2015-16/583 dated 27.11.2015 issued by the Principal, JNV Kottayam

Annexure A4 - True copy of communication No.F.119/JNVK/2016-17/843 dated 8.2.2017 issued by the Principal, JNV Kottayam

Annexure A5 - True copy of communication No.F.119/JNVK/2017-18/170 dated 29.5.2017 issued by the Principal, JNV Kottayam

Annexure A6 - True copy of communication No.F.119/JNVK/2019-20/419 dated 21.8.2019 issued by the Principal, JNV Kottayam

Annexure A7 - True copy of order dated 4.8.2017 in O.A No.627/2016 of this Tribunal

Annexure A8 - True copy of the representation dated 30.10.2020 to the 2nd respondent

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