

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 30th day of JANUARY 2003.

Original Application no. 433 of 2001.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Member (A).

Umesh Kumar Updhayay, S/o Sri K.D. Updhayay,
R/o Vill & P.O. Khanpur, Distt. Mirzapur.

... Applicant

By Adv : Sri A.K. Mishra

Versus

1. Union of India through its Secretary,
Ministry of Human Resources,
NEW DELHI.
2. Asstt. Commissioner, Kendriya Vidyalaya Sangthan,
Patna Region, Vijai Nagar Rukenpura,
PATNA.
3. Principal Kendriya Vidyalaya, P.O. Bijpur,
Rihand Nagar,
SONBHADRA.
4. Managing Committee, Kendriya Vidyalaya through its
(Ex.Officio) Chairman/District Magistrate,
SONBHADRA.

... Respondents

By Adv : Sri N.P. Singh

ORDER

Hon'ble Mr. Justice RRK Trivedi, VC.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has challenged orders dated 19.3.2001 and 20.3.2001 by which the applicant has been relieved from the post of TGT (Eng.) by Principal, Kendriya Vidyalaya Sangthan, Bijpur, Rihand Nagar. The applicant has also prayed

...2/-



that this application may be allowed in terms of direction contained in the judgment dated 13.5.1993 passed in Writ Petition no. 24379 of 1992 Sant Kumar Srivastava Vs. Union of India & others.

2. The facts of the case are that the applicant was appointed on 25.7.1994 on adhoc basis as TGT (Eng.) in the pay scale of Rs. 1400-2600. He filed Writ Petition no. 1449 of 1995 before Hon'ble High Court in which interim order was passed on 19.1.1995 to the following effect:-

"The learned counsel for the Kendriya Vidyalaya has put in appearance. He prays for and is granted two weeks time to file counter affidavit showing cause as to why the writ petition may not be admitted. The respondents are being represented by Sri A.K. Gupta. He prays for and is granted two weeks time to file counter affidavit showing cause as to why the writ petition may not be admitted. In case cause is shown, then the petitioner may file rejoinder affidavit within an identical period of two weeks.

List after expiry of the aforesaid period in the month of February, 1995.

Having heard the learned counsel and having gone through the decision passed in writ petition No.24379; Sant Kumar Srivastava Vs. Union of India and others. I am of the view that ground for grant of interim relief is made out. It is, therefore, provided that the petitioner will be allowed to continue to work till the next date of listing. The petitioner will be paid salary for the period for which he is allowed to work in pursuance of the interim order".

From the perusal of the aforesaid interim order, it is clear that the applicant was granted interim relief on the basis of the judgment of Hon'ble High Court in WP no. 24379 of

1992. The direction given in the Writ Petition was as under:-

- "1. The adhoc teachers at the Kendriya Vidyalaya will only be replaced by freshly.....recruits selected by direct recruitment from the panel.
2. The ad-hoc teachers will not be replaced by transferred teachers.
3. The ad-hoc teachers will be entitled to salary as is paid to a regular teachers from the sessions 1992-93, i.e. 1 April, 1992, They will continue to receive this salary during the course of their employment.
4. Such of those ad-hoc teachers who have worked as such for three years, as of date including the breaks, shall not be ousted and they shall be absorbed as and when the regular vacancies arise.
5. If regular selections have been made, the management of the Kendriya Vidyalaya of the Government of India, as the case may be, shall create additional post to accommodate such selected candidates.
6. The ad-hoc teachers shall be continued in service even during vacations.

The first direction was that the adhoc teachers at the Kendriya Vidyalaya will only be replaced by freshly recruits selected by direct recruitment from the panel.


3. The respondents have filed counter affidavit and Suppl. counter affidavit, wherein it has been stated that one Ms Pratima Srivastava was selected for appointment as TGT (Engg). True copy of the appointment order dated 20.2.2001 has been filed as annexure 1. In pursuance of the appointment letter Ms Pratima Srivastava joined on 15.3.2001. It is

stated that as regularly selected candidate joined the post there was no vacancy and the applicant was relieved by the impugned order dated 19.3.2001.

4. In the circumstances, we do not find any illegality in the ^{impugned} orders dated 19.3.2001 and 20.3.2001. The OA has no merit and the same is dismissed.

5. There shall be no order as to costs.


Member (A)


Vice-Chairman

/pc/