

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 17th day of MARCH 2005.

Original Application no. 1457 of 2004

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. D.R. Tiwari, Member (A)

Rajeev Kumar Sharma, S/o Late R.P. Azad
Presently working as Principal,
Kendriya Vidyalaya, NTPC, Rihand Nagar,
Distt: Sonebhadra.

...Applicant

By Adv : Sri K.P. Singh

V E R S U S

1. Union of India through the Secretary,
Ministry of Human Resources Development,
New Delhi.
2. Chairman, Kendriya Vidyalaya Sangathan/Hon'ble
Minister,
Human Resources Development,
NEW DELHI.
3. The Commissioner, Kendriya Vidyalaya Sangathan
18 Institutional Area, SJS Marg,
NEW DELHI.
4. Joint Commissioner (Administration)
Kendriya Vidyalaya Sangathan, Head Quarter,
18 Institutional Area, SJS Marg,
NEW DELHI.
5. The Assistant Commissioner, Kendriya Sangathan,
Regional Office : Bankar Bagh, P.O. Lohia
Nagar, Patna.

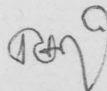
... Respondents

By Adv : Sri N.P. Singh

O R D E R

By Justice S.R. Singh, VC

Heard Sri K.P. Singh, learned counsel for the
applicant and Sri N.P. Singh learned counsel for the
respondents and perused the impugned order.



2. By the impugned order the appointment order issued in favour of the applicant has been cancelled. It is not disputed that the applicant was initially working as Post Graduate Teacher in a school run by Kendriya Vidyalaya Sangathan (KVS). In the appointment order the applicant was treated having been appointed as deputationist.

3. The case of the applicant is that procedure for regular appointment was followed and, therefore, the use of the word 'deputation' in the appointment order is misnomer and cancellation of the appointment order treating it to be void-abnitio according to the applicant, is illegal and unsustainable firstly, on the ground that it has been passed at the dictates of a superior authority namely Chairman, KVS, secondly, on the ground that the applicant was illegally treated as deputationist, and thirdly, that he was not afforded opportunity of showing cause before cancellation of appointment order. The applicant was albeit initially treated by the respondents as 'deputationist' but subsequently as a regular appointment.

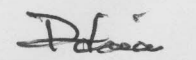
4. It is not disputed that an identical case of cancellation of appointment was the subject matter of challenge before the Principal Bench of Central Administrative Tribunal in OA 2801/04 Mrs Radha G Krishan & 19 Ors Vs. Kendriya Vidyalaya Sangathan through the Commissioner, Kendriya Vidyalaya Sangathan and others. The Principal Bench of the Tribunal by its judgment and order dated 21.12.2004 set-aside the identically worded order of cancellation of appointment on the ground that it was bad in law ~~and~~ having been issued at the behest of the superior authority. In OA no. 1427/04 and several other connected cases decided on 17.1.2005

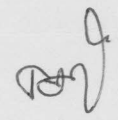
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this Bench has followed the decision of the Principal Bench. Accordingly, the impugned order is liable to be set aside on the ground that it has been passed on the dictate of the superior authority.

5. In view of the above discussion the OA is allowed the impugned order dated 18.11.2004 is set aside. The applicant is entitled to all consequential benefits.

6. There shall be no order as to costs.


Member (A)


Vice-Chairman

/pc/