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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO.237 OF 2005

ALLAHABAD THIS THE 14TH DAY OF MARCH, 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR .D. R. TIWARI, MEMBER-A

1. Miss. Indu Goswami,
Principal, Kendriya Vidyalaya,
JLA, Bareilly.
2. Tasadduque Khan,
Son of
Principal, Kendriya Vidyalaya No.1,
Jhansi Cantt.
3. Ombir Singh,
Principal, Kendriya Vidyalaya,
Air Force, Bareilly.
4. N. Ajay Babu,
Principal, Kendriya Vidyalaya,
Birpur, Dehradun.
5. Dr. Prabhat Bhatnagar,
Principal, Kendriya Vidyalaya-2,
Agra Cantt, Agra.
6. Dr. Satyendra Pal,
Principal, Kendriya Vidyalaya,
Baad, Mathura.
7. Harish Chandra Mishra,
Son of late Govind Ballabh Mishra,
Principal, Kendriya Vidyalaya,
Kanpur Cantt. Kanpur.
8. Dr. Govind Ballabh Pandey,
Principal, Kendriya Vidyalaya,
Mathura Refinery Nagar,
Mathura.
9. M.A.A. Siddiqui,
Principal, Kendriya Vidyalaya,
Mekteshwar, Nainital.
10. G.S. Mehta,
Principal, Kendriya Vidyalaya,
NHPC, Banbassa,
P.O.-Chandani,
District-Champawat (U.A.)

[Handwritten signature]

11. Sri R.P.Chahar,
Principal, Kendriya Vidyalaya,
Joshimath,
District-Chamoli, (U.A.)

12. Bachcha Tewari,
Son of Shri Parsuram tewari,
Principal, Kendriya Vidyalaya,
Ballia.

13. Smt. Rajni H.Uppal,
Principal, Kendriya Vidyalaya,
Raiwala, District-Dehradun.

..... Applicants.

(By Advocate: Sri A.K. Mishra)

Versus

1. Kendriya Vidyalaya Sangthan,
An autonomous body,
(registered under Societies Registration Act)
set up by Ministry of Human Resources Development
Government of India
Through its Chairman/Hon'ble Minister
Ministry of Human Resources Development
New Delhi.

2. The Commissioner,
Kendriya Vidyalaya Sangthan,
18, Institutional area, S.J.S. Marg,
New Delhi.

3. Joint Commissioner (Administration),
Kendriya Vidyalaya Sangthan,
18, Institutional Area, S.J.S. Marg,
New Delhi.

4. The Assistant Commissioner,
Kendriya Vidyalaya Sangthan,
Regional Office, Sector J,
Aliganj, Lucknow.

5. The Assistant Commissioner,
Kendriya Vidyalaya Sangthan,
Regional Office, Hathi Barkala,
Dehradun.

6. The Assistant Commissioner,
Kendriya Vidyalaya Sangthan,
Regional Office, Kankar Bagh,
Patna.

..... Respondents

(By Advocate Shri D. P. Singh And Shri N. P. Singh)

ORDER

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

The Original Application seeks quashing of show cause notice coupled with a direction to the respondents not to interfere in the working of the applicants as regularly/directly recruited Principals. The applicants, it appears, were initially appointed on deputation basis on different dates in the year 2000. According to the impugned show cause notice, the appointments were limited to year to year basis subject to the condition that the term of deputation would not exceed five years. Such deputationists, according to the show cause notice, ought not to have been given regular appointment. According to the Commissioner, Kendriya Vidyalaya Sangathan, Head Quarters, appointments of the applicants are "Prima-facie" illegal. The notices have been issued taking advantage of the liberty given to the Competent Authority by the Principal Bench to pass fresh orders. According, to the learned counsel for the applicants, the Calcutta High Court vide its order dated 31.01.2005, has stayed the direction given by the Principal Bench in so far as it gave liberty to the Competent Authority to pass a fresh order. The learned counsel for the applicants has also placed reliance upon the Delhi High Court judgment whereby the judgment of the Principal Bench has been quashed to the extent that the petitioners were termed as deputationists. The matter was, however, remanded to

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the Principal Bench for deciding the case a fresh. In other words, the question whether the petitioners therein were deputationists or regular appointees, was left upon by the decision of Delhi High Court. The matter is still engaging the attention of the Principal Bench.

2. Having heard counsel for the parties and upon being regard had to the settled principle that judicial interference at the initial stage of issuance of a show cause notice ought not to be made except where a show cause notice is found to be lacking in jurisdiction and beyond the competence of the authority issuing the show cause notice.

3. The pleas sought to be raised herein can be raised here in the reply. In the circumstance, we are not persuaded to entertain this Original application at the threshold of the issuance of the impugned show cause notice. The applicants have the alternative remedy to submit their reply before the Competent Authority. In Section 20 of the Administrative Tribunals Act, 1985 it is clearly provided that the Tribunal should not ordinarily admit an application unless it is satisfied that the applicant has availed of all the remedies available to him under the relevant service rules as to redressal of grievances. The applicants, if aggrieved by the impugned show

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cause notice, have the remedy to submit their explanation.

4. Accordingly, the O.A. is dismissed in limine without prejudice to the merits of the points including the issue of jurisdiction sought to be raised herein by the applicants. It is, however, made clear that in case, the applicants have not already submitted their explanation in response to the impugned show cause notice, they may do so within ten days from today.

Deena
Member-A

Ray
Vice-Chairman

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