

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 22nd DAY OF **October** 2009)

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. D.C. Lakha Member (A)

Original Application No.263 of 2005
(U/S 19, Administrative Tribunal Act, 1985)

Smt. Kulwant Kaur aged about 36 years D/o Shri G.B. Singh resident of New Roy Ganj,
Sipri Bazar Nar Khalsa School, Jhansi.

..... Applicant

Versus

1. Union of India through Chairman, Kendriya vidhyalaya Sangthan, New Delhi.
2. Assistant Commissioner, Kendriya Vidhyalaya Sangthan, Regional Office, 92
Gandhi Nagar Marg, Bajaj Nagar, Jaipur - (Rajasthan).
3. Principal, Kendriya Vidyalaya, Zawar Mines, District Udaipur.

..... Respondents

Present for Applicant : Shri Om Prakash Lohia
Shri Anupam Lohia
Shri R.K. Nigam

Present for Respondents : Shri D.P. Singh
Shri N.P. Singh

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)



We have heard Sri Om Prakash Lohia, learned counsel for the
applicant and Sri N.P. Singh, learned counsel for the respondents.

2. Learned counsel for the applicant would contend that the applicant
was terminated while working as T.G. T. on 09.04.2003. She preferred an

appeal/representation on 18.04.2003 (Annexure A-VI) to the Competent Authority. When no heed was paid to her appeal/representation, she preferred another appeal/representation on 25.11.2004 (Annexure A-VIII).

3. Learned counsel for the official respondents vehemently urged that the appeal preferred by the applicant was not addressed to the Competent Authority. Learned counsel for the respondents submitted that Joint Commissioner Administration, K.V.S. Head Quarter, New Delhi only is the Appellate Authority. It is also argued that the Original Application is time barred and the same deserves to be dismissed on the ground of delay and laches.

4. Learned counsel for the applicant would contend that in an identical and similar facts and circumstances of the case and in similar situation, Bangalore Bench of the Tribunal in O.A. No.781 of 2003 and 1063 of 2003 (Smt. Raminder Duggal Vs. Kendriya Vidyalaya Sangthan & Ors) has clearly and specifically held that certificate issued by Mahila Gram Vidyapith Women's University, Prayag, Allahabad is equivalent to B. Ed. Degree. The controversy involved in the present case is identical and similar to the case of Raminder Duggal's Case (Supra) and as such her appeal should have been decided by the Competent Authority in light of the decision rendered in O.A. No.781 of 2003 and 1063 of 2003 (Smt. Raminder Duggal Vs. Kendriya Vidyalaya Sangthan & Ors). Learned counsel for the applicant would further



contend that the applicant has already rendered her 08 years valuable services in the Vidyalaya, and she has been terminated abruptly by the respondents. She has also become overage by efflux of time.

5. We have given our thoughtful consideration to the pleas advanced by the parties counsel and we are firmly of the view that the appeal/representations preferred by the applicant dated 18.04.2003 (Annexure A-VI) and 25.11.2004 (Annexure A-VIII) should have been considered by the Competent Authority in accordance with the provisions of Rule. There appears to be no justification for not considering the appeal solely on the ground that it was not properly addressed to competent authority. Since a long time, has already been elapsed, without entering into the merits of the case, we hereby direct the applicant to file a fresh representation/appeal within a period of three weeks from the date of receipt of copy of this order, and if such appeal is preferred by the applicant to the Competent Authority, the same shall be considered and decided by the Competent Authority within a period of three months from the date of receipt of appeal/representation ignoring the point of limitation, in accordance with the provisions of Rule and also by taking into account the

decision rendered by Bangalore Bench of the Tribunal, in O.A. No. O.A. 781 of 2003 and 1063 of 2003 (Smt. Raminder Duggal Vs. Kendriya Vidyalaya Sangthan & Ors).



Learned counsel for the respondents submitted that the Joint Commissioner has not been impleaded as one of the respondents. In order to advance substantial justice to the parties the technicalities and niceties of law should not create any impediment, we accordingly direct the Competent Authority i.e. Joint Commissioner (Admn), Kendriya Vidyalaya Sangathan, Head Quarter, New Delhi to decide the Appeal/Representation of the applicant in accordance with the provisions of Rules within the aforesaid period.

7. With the aforesaid observations O.A. is disposed with no order as to costs.



Member-A

Member-J

//Sushil//

CERTIFIED TRUE COPY

Dated 28/08/2017

R. Pathak

अनुभाग अधिकारी
Section Officer
केन्द्रीय प्रशासनिक अधिकरण न्यायपीठ
इलाहाबाद
Central Administrative Tribunal,
Allahabad Bench, Allahabad