

## **Central Administrative Tribunal Ernakulam Bench**

O.A No.180/00366/2021

**CORAM:**  
**Hon'ble Mrs.Hina P.Shah, Judicial Member**

Suma O.R, aged 54 years  
W/o.M.Venugopal  
(Ex-PGT Maths, KV Kirandul, Dist. Dantewada,  
Chattisgarh – 494 556  
Sankara Mandiram, Panchayat Lane  
Peroorkada P.O, Thiruvananthapuram, Pin – 695 005  
Residing at Sankara Mandiram, Panchayat Lane  
Peroorkada P.O  
Thiruvananthapuram, Pin – 695 005

(By Advocate:Mr. Vinaya Kumar Varma)

## Versus

1. The Commissioner  
Kendriya Vidyalaya Sangathan  
No.18, Institutional Area  
Shaheed Jeet Singh Marg  
New Delhi – 110 016
2. The Deputy Commissioner (Admn.)  
Kendriya Vidyalaya Sangathan  
No.18, Institutional Area  
Shaheed Jeet Singh Marg  
New Delhi – 110 016
3. Union of India, Represented by Secretary  
Ministry of Education, Government of India  
Shastri Bhawan, New Delhi – 110 001

- Respondents

(By Advocate: Mr.C.Rajendran,SCGC)

The O.A having been heard on 10<sup>th</sup> August 2021 through video conference, this Tribunal delivered the following order on the same day:

## **O R D E R (ORAL)**

### **By Hon'ble Mrs.Hina P.Shah, Judicial Member**

This Original Application has been filed by the applicant seeking the following reliefs:

*“ i. Direct the 1<sup>st</sup> respondent to consider and dispose of the Annexures A2 and A3 representations submitted by the applicant at the earliest and in any case within a time frame to be laid down by this Hon'ble Tribunal.*

*ii. Award costs incidental thereto;*

*iii. Pass such other orders or directions as deemed just and fit by this Hon'ble Tribunal. ”*

2. The applicant joined service with the Kendriya Vidyalaya as Post Graduate Teacher Mathematics at K.V., Yelahanka, Bengaluru in the year 1994. She was transferred to K.V, Pangode, Thiruvananthapuram in 2001 and later on to K.V, Akkulam, Thiruvananthapuram in 2003. In 2008, she was transferred to K.V, Kirandul, Dist. Dantewada, Chattisgarh where she joined duty on 2.5.2008. Prior to being transferred to K.V, Kirandul while serving with K.V, Akkulam, Thiruvananthapuram, the applicant had been granted a no objection certificate by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Chennai Region for going abroad to Bahrain to join her husband from 5.5.2008 to 22.6.2008 and to report back for duty on 23.6.2008. While at Bahrain, the Rheumatoid Arthritis from which the applicant had been suffering for long got aggravated, leaving her in great pain and totally bedridden. Hence the applicant applied initially for 3 months of Earned Leave to her credit from 23.6.2008 to 23.9.2008 along with the medical certificate. Since she did not receive any response to her application, she was under the impression that her leave had been granted. Applicant submits that since she was totally bedridden, she was forced to apply for an extension of leave also.

However, in February 2009 she was surprised to receive a notice issued by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Jabalpur asking her to show cause as to why she should not be removed from service for unauthorised absence. She submitted her detailed reply to the show cause notice, mentioning in detail her medical condition. However, the applicant was dismissed from service under Article 81 (d) of the Education Code by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Jabalpur Region. The applicant submitted representations to the Assistant Commissioner against her dismissal from service. She submitted an appeal to the Commissioner, Kendriya Vidyalaya Sangathan in March 2020 also. Since there was no response to her representations at Annexures A-2 and A-3, the applicant has approached this Tribunal praying for the aforementioned relief.

3. When the matter came up for admission hearing, it was noted that the relief sought for by the applicant was to consider her representations at Annexure A-2 and Annexure A-3 and to pass a reasoned and speaking order within a time frame.

4. In view of the limited relief prayed for, the Competent Authority is directed to consider Annexure A-2 and Annexure A-3 representations submitted by the applicant in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

5. The O.A is disposed of as above at the admission stage itself without going into the merits of the matter. No costs.

**(K.V.Eapen)**  
**Administrative Member**

**(Hina P.Shah)**  
**Judicial Member**

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**List of Annexures**

Annexure A1 - True copy of order No.F.22037 (Adm)/2009/KVS/RO(JBP)/5459-5462 dated 18.5.2009

Annexure A2- True copy of representation dated 9.3.2020 submitted by applicant to 1<sup>st</sup> respondent

Annexure A3- True copy of representation dated 11.8.2020 submitted by applicant to 1<sup>st</sup> respondent.

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