



**Central Administrative Tribunal
Principal Bench: New Delhi**

**O.A. No. 2125/2021
M.A. No.2711/2021**

This the 27th day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Sh. Kashi Ram Yadav,
S/o Sh. Matadeen Yadav,
R/o VPO Gothra,
Tehsil Tijara Dist.,
Alwar – 301405 (Rajasthan).

...Applicant

(By Advocate: Mr. R.K. Sonkiya)

Versus

1. The Commissioner,
Kendriya Vidhyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110016.
Through
(Ms. Nidhi Pandey, IIS)

2. The Deputy Commissioner,
Kendriya Vidhyalaya Sangathan,
Regional Office,
IIT Campus,
Chennai – 600036 (Tamil Nadu).
Through
(Dr.(Smt) M. Rajeshwari)

3. Principal,
Kendriya Vidhyalaya Ooty,
Ooty (Ootacamund Town),
Near HPF Post Office Udegamandalam,
Tamil Nadu – 643001.
Through
(Dr. T.A.V. Sharma)

...Respondents



(By Advocate: Mr. S. Rajappa)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

Being aggrieved by withdrawal of his appointment letter to the post of Senior Secretariat Assistant (SSA) in Kendriya Vidyalaya, Ooty, the applicant has filed this OA under Section 19 of the Administrative Tribunals Act 1985, seeking the following reliefs:

- a) Quash and set aside the impugned order dated 20/10/2020 AND direct to the respondents to allow the applicant to join his duties at the given/allotted place or any other place.
- b) Issue the appropriate direction to the respondents to grant one month time to the Applicant to join his duties at the given place i.e. Ooty or somewhere else as directed.
- c) Issue direction to the Respondents if possible to post the applicant in the northern region.
- d) Award the costs of the proceedings to the applicant; and
- e) Pass any other or further order which this Hon'ble Tribunal may deem fit and proper, in the facts and circumstances of the case, in the interest of justice."

2. Brief facts of the case are that in pursuance of Advertisement No.13 seeking online applications for different posts, the applicant applied for the post of SSA in ex-serviceman category. Having qualified the exam, he was issued offer of appointment dated 20.01.2020 to the aforesaid post of SSA, and was asked to join duty at Ooty



(Tamilnadu). Para 12 of the offer of appointment reads as follows:

“12. If he/she accepts the offer on the terms and conditions as mentioned in this offer letter, he/she should join the Kendriya Vidyalaya mentioned overleaf on or before 10.02.2020. Necessary proforma for the purpose are enclosed which should be submitted to the Principal concerned, after getting the same duly completed at the time of joining. If the offer is not accepted or the appointee does not report for duty at the above named Vidyalaya by 10.02.2020 this offer of appointment will automatically stand cancelled and no further correspondence will be entertained from him/her in this regard.”

3. However, the applicant did not join within the stipulated time and rather requested to extend the time of joining upto 31.03.2020, vide letter dated 11.02.2020. In view of the request made by the applicant, the competent authority granted extension of time for joining upto 31.03.2020. On 25.03.2020, the applicant once again requested the respondents as follows:

“In view of the above, you are therefore, requested that I may please be granted joining time upto 20.04.2020 to join duty or advise me that how can I join the Kendriya Vidyalaya. Please confirm extension by return email.”

4. Through communication dated 15.06.2020, further extension of joining time was sought (Annexure A-7 colly). In reference to his repeated representations including the one dated 5.10.2020, the respondent-authority again considered the case of the applicant and permitted him to join the post upto 12.10.2020, failing which the offer of



appointment was to be treated as cancelled. Yet again, the applicant did not join and sought further extension of joining time. The respondent-authority, through communication dated 14.10.2020, granted time upto 17.10.2020, clearly specifying once again that in case the applicant fails to join, the offer will be treated as cancelled. However, the applicant still did not turn up and through communications dated 21.10.2020, 2.11.2020, 27.11.2020, 11.01.2021, 29.01.2021, 25.01.2021 and 9.02.2021 sought further extension of time. Lastly, he sent a legal notice dated 16.02.2021 to the respondents praying therein to withdraw the impugned memorandum dated 20.10.2020, cancelling the offer of appointment. The applicant even approached the Hon'ble High Court of Delhi in Writ Petition No.6197/2021. However, the said Writ Petition was dismissed as withdrawn, granting liberty to the petitioner to approach the Central Administrative Tribunal.

5. Heard Shri R.K. Sonkiya, learned counsel for the applicant and Shri S. Rajappa, learned counsel for the respondents.

6. Learned counsel for the applicant Shri Sonkiya, during the course of arguments, reiterated the



submissions made in the OA. On the other hand, Shri Rajappa, learned counsel for the respondents submitted that the case of the applicant was considered sympathetically again and again but he was not serious enough to join duty and kept on seeking extension of time, leaving no option for the respondents but to withdraw the offer of appointment.

7. We notice from the pleadings available on record and documents annexed with the OA that though the respondent-authority was very much sympathetic and considerate to the applicant, he was not serious and vigilant enough to grab the job opportunity he got. He kept on seeking extension of time to join the post, and ultimately lost the opportunity to secure the government job due to his callous attitude. Learned counsel for the applicant has also failed to show that the applicant was interested to join the post he was offered.

8. The OA is found to be devoid of merit. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman