



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Application No. OA-169 of 2006

Applicant (s) Manisha Pattnaik Respondent (s) Kendriya Vidyalaya Sangathan
another

Advocate for Applicant (s) Mr. Somadasan Mohanty Advocate for Respondent (s)

NOTES OF THE REGISTRY

I.p.o of Rs. 50/- filed.
Copy : Served.

For favour of
Registration please
as per memo

22.2.06

SO. (J)
22.2.06

20.2.06

22.02.06

For Admission with
limitation.
Copy Served.

24.2.06

Bench

ORDERS OF THE TRIBUNAL

REGISTER

22.02.06

Order dated 27.02.06

Applicant, a primary teacher in Kendriya Vidyalaya Sangathan, having faced transfer, represented to the authorities for giving her a convenient posting. Without getting a convenient posting, she is still going without duties. It appears, her husband (another Post Graduate Teacher in KVS) is presently posted at Kendriya Vidyalaya at Charbatia (in the District of Cuttack). No heed having been paid to her grievances, the Applicant has approached this Tribunal with the present Original Application, ^{filed} under Section 19 of the Administrative Tribunals Act, 1985.

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It appears, having not been able to get suitable posting (on transfer) several teachers of Kendriya Vidyalaya Sanghathan had to face termination of services (either by "tendering resignation" or by taking "voluntary retirement" or having faced "dismissal from the services"). ~~On~~ Understanding that the said situation was not a healthy personnel management, the Authorities of Kendriya Vidyalaya Sanghathan issued a scheme (circulated under Annexure-A/13 dtd.16.11.04/09.11.04) to review the entire matter; in order to bring back such employees/teachers who faced termination without being able to get a suitable posting on the transfer. The ~~context~~ of the notification issued by the Kendriya Vidyalaya Sanghathan, Headquarters (circulated on 9.11.04/16.11.04 under Annexure-A/13) is extracted herein below:

" KENDRIYA VIDYALAYA SANGATHAN: NEW DELHI

NOTIFICATION

As result of the transfer policy since 2000, hundreds of Kendriya Vidyalaya teachers resigned from the service. Some were dismissed for inability to join in remote places. Also some teachers preferred to retire voluntarily.

In order to consider such cases of voluntary retirements/resignations as well as dismissals from service and to provide then an opportunity to come back to the KVS system, Chairman, KVS has decided to constitute a committee consisting of the Joint Commissioner (Admn) and two senior Principals. The Committee will consider appeals of such teachers. Therefore, such teachers are requested to prefer an appeal in the format given below by 15th December, 2004 to the Joint Commissioner (Admn.) on the following address.

Kendriya Vidyalaya Sangathan
18 Institutional Area
Saheed Jeet Singh Marg, New Delhi-110016

The aforesaid steps of the Kendriya Vidyalaya Sangathan were to bring a healthy personnel

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management to the Organisation and it is ~~reported~~^{reiterated} in the Bar that several teachers came back to services on review of their cases.

In the present case, the Applicant (the lady primary teacher) has repeatedly represented the authorities for giving her a posting nearabout Charbatia in the District of Cuttack/in the state of Orissa, where her husband is discharging duties as a post graduate teacher.

Mr. S. D. Mohanty, Id. Counsel appearing for the Applicant has pointed out that from the coming academic session, a set of sections/ a new KV unit is likely to come up at Cuttack (nearest place to KV, Charbatia).

In the aforesaid premises, this O.A. is disposed of with a direction to the Respondents to consider the grievances of the Applicant (as raised in the present Original Application) by treating the copy of this O.A. as a representation to them) and redress the greivances of the Applicant; before commencement of next academic session/within three months.

With the above observation and direction, this O.A. stands disposed of at the admission stage; with expectation that the Respondents would expeditiously give sympathetic consideration to the case of the lady Applicant to give her a posting nearabout KV/Charbatia.

Send copies of this order to the Respondents, along with copies of the O.A., and free

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Copy of Order may be given to both the counsels.

7.3.06

7/3/06
S. A. (J)

Copy of Order with copy of OA may be sent to all respondents by Regd. Post

A.D.

17.3.06

17/3/06
S. A. (J)

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copies of this order be handed over to Mr. S.D. Mohanty, Id. Counsel appearing for the Applicant and to Mr. Ashok Mohanty, Sr. Counsel for the KVS; to whom a copy of this O.A. has already been supplied.

27/02/06
Member (J)