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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00912 OF 2016
Cuttack, this the 22nd day of December, 2016

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

Gour Mohan Ghosh, (Roll No. 411050324), aged about 44 years, S/o-Suresh Chandra Ghosh, Jawahar Navodaya Vidyalaya, Salbani, Post-Dhanpur, Via-K.C. Pur, Dist-Mayurbhanj, Odisha, PIN-757029, PH-9090355914, 9776624504, Odisha.

...Applicant

(By the Advocate-M/s. S. P. Mohanty, P. Lenka)

-VERSUS-

Union of India Represented through

1. Secretary to Govt. of India, Ministry of Human Resources Department, New Delhi-110001.
2. Kendriya Vidyalaya Sangathan, through its Commissioner, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016, FAX-011-26514179.
3. Lal Bahadur Sharma, (Roll No.-411060191)
4. Shiv Lal Singh, (Roll No. 411060274)
5. Om Prakash, (Roll No. 411030575)
6. Parvez Husain, (Roll No. 411040236),
Notice against S.L. No. 3 to 6 be issued through its Commissioner, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016, FAX-011-26514179

...Respondents

By the Advocate- (Mr. H. K. Tripathy)

ORDER (Oral)

A. K. PATNAIK, MEMBER (J):

Heard Mr. S.P. Mohanty, Ld. Counsel appearing for the applicant and Mr. H.K. Tripathy, Ld. Counsel appearing for the Respondents-KVS on whom a copy of this O.A. has already been served on the question of admission and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the select list containing the final result of the candidates for the post of Principal of Kendriya Vidyalayas for the year 2014-15 and 2015-16 on the ground that the said list is not in consonance with the advertisement and recruitment

[Signature]

rules. However, ventilating his grievance, applicant has submitted representation dated 28.06.2016 (Annexure-A/4) before the Commissioner, Kendriya Vidyalaya Sangathan(HQ), New Delhi (Respondent No.2) and till date no communication has been received from the said Respondent on his representation. Hence this O.A. with the following prayer(s):-

“(i) Admit the Original Application,
(ii) Issue notices to the respondents, and
(iii) After hearing the counsel for the parties be further pleased to quash the impugned select list dated 23.12.2015 under annexure-A/3 only in respects of private respondent No. 3 to 6 and consequently pass an order directing the respondent No. 2 to adjust 4 OBC candidates, who are at S.L. No. 40,45,46 and 50 of the merit list under annexure-A/2 i.e. one Mr. Rajesh Kumar, Mr. Roopender Singh, Mr. Anil Yadav and Mr. Arbind Kumar, against the unreserved vacancies in the post of Principal, and consequently pass an order directing the respondent No. 2 consider and to include the name of the 4 next available OBC candidates including the applicant against the resultant vacancies under the OBC category with all consequential benefits including appointment, fixation of seniority, pay et.

And/or

Pass such or such other order(s) as may be deemed just and proper in the circumstances of the case.”

3. As it is stated by Mr. Mohanty that the representation dated 28.06.2016 (Annexure-A/4) has been preferred by the applicant and the same is still pending consideration, without waiting for any reply from the Respondents and without entering into the merit of the matter, I dispose of this O.A. at the stage of admission itself by directing Respondent No.2 that if any such representation has been preferred by the applicant on 28.06.2016 (Annexure-A/4) and the same is still pending consideration then the same may be considered and disposed of and the result be

Abus

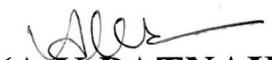
communicated to the applicant by way of a reasoned/speaking order within a period of two months from the date of receipt of copy of this order.

4. Though I have not expressed any opinion on the merit of the matter and all the points raised in the representation are kept open for the Respondent No.2 to consider the same as per rules, I make it clear that if after such consideration it is found that the applicant is entitled to the relief as claimed by him in the instant O.A., then the same may be extended to him as expeditiously as possible preferably within a further period of three months from the date of such consideration.

5. However, it is made clear that if in the meantime the said representation has already been considered and disposed of, then the result of the same be communicated to the applicant within a period of four weeks from the date of receipt of copy of this order.

6. With the above observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. S.P. Mohanty, Learned counsel appearing for the applicant, copy of this order along with paper book be sent to Respondent No.2 by Speed Post at the cost of the applicant for which Mr. Mohanty undertakes to file the postal requisites by 23.12.2016.


(A.K.PATNAIK)
MEMBER(J)

K.B.