

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 260/00216 of 2015  
Cuttack, this the 27<sup>th</sup> day of April, 2015

**CORAM**

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

.....

Bhabagrahi Sanibigraha,  
aged about 48 years,  
S/o late Biswanath Sanibigraha,  
At- Ohada Sasan, PO- Achyutapur,  
Via- Tirigadia, Dist. Balasore  
Presently working as TGT (Sc),  
Kendriya Vidyalaya No. III, NDRF,  
Munduli, Cuttack- 754006.

...Applicant

(Advocates: M/s. D.P.Dhalsamant, N.M.Rout )

**VERSUS**

1. Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area, Saheed Jeet Singh Marg,  
New Delhi-110016.
2. Deputy Commissioner,  
Kendriya Vidyalaya Sangathan,  
Regional Office at Pragati Vihar Colony,  
Mancheswar, Bhubaneswar, Dist-Khurda, 751017.
3. Principal,  
Kendriya Vidyalaya Sangathan, No. III,  
NDRF, Munduli, Cuttack- 754006.

... Respondents

(Advocate: Mr. H.K.Tripathy )

.....



**ORDER (ORAL)**

**A.K.PATNAIK, MEMBER (JUDL.):**

Heard Mr. D.P.Dhalsamant, Learned Counsel 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, and perused the materials placed on record.

2. This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“8.1 That the order dated 12/13.6.2014 (A/4) be quashed.

8.2 That the Respondents be directed to fix the pay of the applicant in the post of TGT (Sc) w.e.f. the date incumbent placed below 32 in the merit list of LDE 2009 were given promotion i.e. 27.09.2010.

8.3 That the Respondents be directed to pay the differential amount after re-fixing the pay of the applicant in the post of TGT.

8.4 And further be pleased to pass any other order.....”

3. The case of the applicant in nutshell is that he qualified in Limited Departmental Examination, 2009 held on 19/20.12.2009 for the post of TGT (Sc) and was placed at Sl. No.32 in the merit list but he was not promoted to that post due to a wrong conception that one CBI case was pending against him. However, in the meantime, i.e. on 27.09.2010, some of the below rank candidates in the merit list were promoted to TGT (Sc). Applicant filed O.A. No. 246/11 for grant of promotion, which was allowed, and the applicant was promoted on 03.04.2013 to the post of TGT (Sc). His pay has been fixed in the promotional post w.e.f. 12.04.2013, i.e. the date he joined the TGT (Sc) post. Mr. Dhalsamant, Ld. Counsel for the applicant, submitted that applicant made representation to Respondent No. 1 on 27.08.2014 vide Annexure-A/5 duly forwarded by the office of the Respondent Nos. 2 and 3 and having received no response till date, applicant has filed this O.A. with the aforesaid reliefs.

*Waller*

4. Taking into account the submission made by Mr. Dhalsamant, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, I dispose of this O.A. at this admission stage by directing Respondent No. 1 to consider and dispose of the representation dated 27.08.2014 vide Annexure-A/5, if the same has been filed and is still pending consideration, in a well reasoned order and communicate the same to the applicant within a period of 30 days from the date of receipt of a copy of this order. If after such consideration the applicant is found to be entitled to the relief claimed by him then expeditious steps be taken within a period of 30 days from the date of such consideration to grant the said benefit to the applicant. However, if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Dhalsamant, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 1 by Speed Post for which he undertakes to file the postal requisites by 30.04.2015.

  
(A.K.PATNAIK)  
MEMBER(Judl.)