

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION No. 260/00578 OF 2015

Cuttack, this the 10th Day of September, 2015

CORAM

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

HON'BLE MR. R. C. MISRA, MEMBER (ADMN.)

....

Somita Banerjee,
Aged about 53 years,
D/o. Late Loknath Banerjee,
At present working as Trained Graduate Teacher (Social Study),
Kendriya Vidyalaya No.3,
At/P.O.-Bhubaneswar,
Dist-Khurda.

...Applicant

(By Advocates: M/s D.N. Lenka, S. Mahanta)

-VERSUS-

Kendriya Vidyalay Sangathan represented through

1. Commissioner,
18, Institutional Area,
Sahidjeet Marg,
New Delhi-110016.
2. Joint Commissioner (Administration),
Kendriya Vidyalay Sangathan Headquarter,
New Delhi-110016.
3. Deputy Commissioner,
Regional Office, Pragati Vihar Colony,
Mancheswar,
Bhubaneswar-751017.
Dist-Khurda.

..... Respondents

(By Advocates: Mr. H.K. Tripathy)

.....

ORDER (ORAL)

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

Heard Mr. D.N.Lenka, Ld. 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 applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“i) to direct/order to dispose of the appeal/representation of the applicant duly forwarded by the Respondent No.3 and now pending with the Respondent No. 1 and 2.

ii) Pass any other order.....”

3. Applicant has filed this O.A. challenging inaction of the Respondents, particularly Respondent Nos.1 and 2 in considering the representation dated 05.03.2014 submitted before Respondent No.1, which was duly forwarded by Respondent No.3 on 08.07.2014. Facts of the case, as revealed from the record, are that the applicant being duly selected against the post of Trained Graduate Teacher (Social Study) on trial basis vide order dated 23.10.1992 was posted to Kendriya Vidyalay Steel Project, Visakhapatnam, Andhra Pradesh, ⁱⁿ ~~to~~ which post she joined on 19.02.1992. She passed the B.Ed. Degree Examination in the month of May, 1994 from Annamalai University. She was transferred to Kendriya Vidyalay-3, Bhubaneswar w.e.f. 4.7.2001 and since then she is continuing at Bhubaneswar. On the recommendations made by the DPC, she was appointed in substantive capacity w.e.f. 19.02.1994 as per Office Order dated 11.01.2002. The grievance of the applicant is that though she was allowed Senior Scale, as due and admissible in her favour, w.e.f. 18.02.2004 vide Annexure-A/4 dated 22.03.2004 but the same has been withdrawn vide Annexure-A/5 dated 27.07.2005 unilaterally and that too without giving any opportunity to the applicant. Applicant ventilated her grievance through a representation before Respondent No.3, which has been turned down vide

Wll

5


Annexure-A/7. Being aggrieved, she preferred an appeal/representation on 05.03.2014 (Annexure-A/8) before Respondent No.1. It has been submitted by Mr. Lenka, Ld. Counsel for the applicant, that though the said appeal/representation was duly forwarded to Respondent No.1 by Respondent No.3 on 08.07.2014, till date no response has been communicated to the applicant. Accordingly, she has filed this O.A. with the aforesaid prayer.


4. Taking into account the submissions advanced by Mr. Lenka, Ld. Counsel for the applicant, and the prayer made in this O.A., without expressing any opinion on the merit of the case, we dispose of this O.A. at this admission stage by directing Respondent No. 1 to consider and dispose of the appeal/representation of the applicant, which is stated to have been duly forwarded by Respondent No.3 vide letter dated 08.07.2014 and is still pending consideration, with a well reasoned order and communicate the same to the applicant within a period of three months from the date of receipt of a copy of this order. However, the points raised by the applicant in her appeal/representation will be kept open for the authorities to consider the same as per the rules and law in force. If after such consideration the applicant is found to be entitled to the relief claimed by her then expeditious steps be taken within a further period of three months from such consideration to extend the said benefit to her. However, if in the meantime the said appeal/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.

ALO

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

6. On the prayer made by Mr. Lenka, 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 15.09.2015.


(R.C.MISRA)
MEMBER(Admn.)


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

RK