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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH JODHPUR

Original Application No. 163/2003
Date of Decision : This the 23rd day of January, 2004.

Hon'ble Mr. J.K.Kaushik, Judicial Member
Hon'ble Mr. G.R.Patwardhan, Administrative Member

Nem Singh S/o Shri Pratap Singh
Aged 46 years, R/o PGT (Physics),
Kendriya Vidyalaya, Lalgarh Jattan
Distt. Sri Ganganagar (Raj).

.....Applicant.

(By Advocate Mr. Chain Singh, for applicant)

vs.

1. Kendriya Vidiyalaya Sangathan through the Commissioner, 18, Institutional Area, Shaheed jeet Singh Marg, New Delhi - 16.
2. Assistant Commissioner, Kendriya Vidiyalaya Sangathan (RO), 92, Gandhinagar Marg, Bajaj Nagar, Jaipur - 15.
3. The Principal, Kendriya Vidiyalaya, Lalgarh Jattan, Distt. Sri Ganganagar.
4. Shri S. Padmanabha, Principal, Kendriya Vidiyalaya Lalgarh Jattan, Distt. Sri Ganganagar.

.....Respondents.

(By Advocate Mr. K.K.Shah, for respondents)



ORDER
[BY G.R.PATWARDHAN]

This is an application by Shri Nem Singh working as Senior P.G. Teacher in Kendriya Vidyalaya, Lalgarh Jattan, Distt. Sri Ganganagar. Commissioner, Kendriya Vidyalaya Sangathan, Assistant Commissioner, Kendriya Vidyalaya Sangathan, Jaipur, Principal, Kendriya Vidyalaya Sangathan, Lalgarh Jattan and Shri S. Padmanabha, Principal, K.V.S., Lalgarh, have been made

respondents. The prayer of the petitioner, as contained in para 8 of the application is, to allow the same by issuing an appropriate order or direction to respondent No. 3 to hand over charge of the post of Principal to him whenever he proceeds on long leave or absence for any other purpose. Obviously, ~~that~~ the petitioner wants a safeguard against an indeterminate future event.

2. It is the case of the applicant that after joining in October 2001 in the K.V.S., he has been performing his duties with devotion, dedication and honesty and that he happens to be the senior most P.G. Teacher and next in the grade to the Principal. But, sometime in the past, whenever respondent No. 3 i.e. the Principal, proceeded on leave or temporary duties, leaving the headquarter, he did not handover charge of the post to the applicant despite his being the senior most and despite Article 227 of the Accounts Guide of K.V.S. (Annex.A/1) specifically laying out that in such cases of absence, the Principal has to handover charge to the Seniormost P.G. Teacher. It is his case that when he came to know through some sources that the Principal was likely to hand over charge to someone else, who was junior to him, he made representation to the Chairman of the Vidyalaya Managing Committee and to the Principal, saying that the charge should be given to him and that in case, this is not done, he would be seeking the intervention of court of law (Annexs A/2 and A/3). The application however, no where reveals the period during which the Principal was likely to go out



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of station nor there is anything on record to show that someone junior to the petitioner was given the charge.

3. The petitioner has also alleged bias against respondents by referring to certain cases where he wanted to apply for some post elsewhere and was not allowed to do so, to the incident when he personally requested the Principal to handover charge to him and in return, was informed that an inquiry that was pending against him stood in the way of giving him the charge. It is his contention that pendency of an inquiry cannot be a ground for not handing over the charge of the Principal when the Principal is to be away from headquarters. Quite surprisingly reference has also been made to some case where, the petitioner made some false complaints against the Principal of another K.V.S. at Bikaner and which, resulted in initiation of action against him. However, it is not clear how this particular incident where the petitioner admits of making complaints against the Principal of another school and which were later found to be false, is going to help him in the instant case.

4. Detailed reply has been filed to the petition and learned advocates for both the parties have been heard on the last date.

5. In the written reply, respondents have referred to an incident in which the petitioner seems to have misbehaved with some lady teachers in the service accommodation and was consequently asked to vacate the same. The petitioner seems to have approached the Civil Court for some relief but, ultimately,

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vacated the Government accommodation. This instance has not been controverted by the petitioner.

6. The sum and substance of the petitioner's claim, is Article 227 of the Accounts Guide of the K.V.S. The respondents have countered the same by citing Article 51 of the same Accounts Code wherein, it is provided that officiating arrangements during the absence of Principal for a period of less than two months duration can be regulated by the Vidyalaya Managing Committee calling upon the seniormost P.G. Teacher or Teacher of the Vidyalaya, who is willing to take the additional responsibility. It is their contention that in keeping with the spirit of this Article, the Principal consulted the Chairman of Vidyalaya Managing Committee, who in the background of the behaviour of the petitioner, directed the Principal to handover the charge to some other P.G. Teacher who was willing to take the responsibility.



7. Reliance has also been placed by the learned advocate for the respondents on the admission made by the petitioner that he had made false complaint against the Principal of another Kendriya Vidyalaya. He has also submitted that the behaviour of the petitioner as also a penalty of censure imposed on him, have compelled them to take the view that it would not be appropriate for them to handover temporary charge of Principal to the petitioner. Lastly, it is said that the punishment of stoppage of two increments falling in December 2003 and December 2004,

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as a sequel to a disciplinary proceedings, stands in the way of consideration of the petitioner for any temporary charge.

8. To the charge of bias against the Principal, respondents have tried to show, how the petitioner has been taking casual and earned leave very frequently and how on occasions he has proceeded on leave without taking permission and only informing the Principal (Annexs. R/1 and R/2). It is, therefore, their contention that the administration has been rather lenient in ignoring these actions of the petitioner and in this background the charge of bias is misplaced.



9. It is inferred from the reply that the Principal was away for ten days between 7th January to 16th January, 2003 and as this was a very short period and the Chairman of the Vidyalaya Management Committee was on Indo-Pak Border engaged in 'Operation Parakram', a temporary arrangement was made ignoring the petitioner after consulting the Chairman telephonically and the provisions of Article 227 were not attracted.

10. Kendriya Vidyalaya or for that matter any school, cannot be compared to a warehouse where stocks like food stuff or other goods are kept. Much of the reputation of an educational institution depends on the quality of leadership that its teachers provide. Given the facts of the case and the express admission of the petitioner that he had filed a false complaint against

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another Principal, the respondents were justified in taking a decision that they have taken. In so far as the future course of action is concerned, for which a direction has been prayed for, we do not find it necessary to express any opinion about an indeterminate future event. Petition is therefore dismissed.. No order as to costs.



[G.R.Patwardhan]
Adm.Member

[J.K.Kaushik]
Judl.Member

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Part II and III destroyed
in my presence on 23/10/13
under the supervision of
section officer (I) as per
order dated 18/10/13
S.K. Sharma
Section officer (Record) 23-10-2013