

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

**Original Application 558/2011
(Diary No. 828/2011)**

Date of Order : 12.12.2011

**CORAM: HON'BLE DR. K.B. SURESH, MEMBER (J) &
HON'BLE MR. SUDHIR KUMAR, MEMBER (A)**

Dr. Premlata Parihar D/o Shri R.L. Parihar aged 51 years, Resident of Pipli Ka Chowk, Nagori Mohalla, Jodhpur, Rajasthan, posted in K.V.Army No. 2, Jodhpur.

.....Applicant.

Present in person

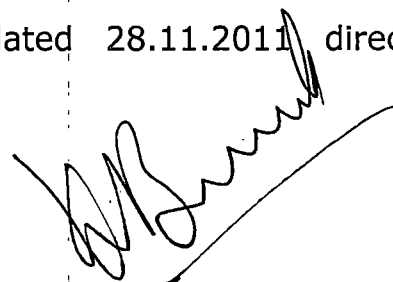
Versus

1. Commissioner KVS, Headquarter, Shaheed Jeet Singh Marg, New Delhi.
2. Deputy Commissioner Sandhaya Rastogi, Kendriya Vidhayalaya, R.O. 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.
3. Shri K.S. Bhati, Principal, K.V. Army No. 2, Shikargarh Army Area, Jodhpur.
4. Premlata Tanwar, TGT, SST, KV Army No. 1, Jodhpur.
5. Shri M.K. Aseri, TGT, SST, K.V. Army No. 1, Jodhpur.

..... Respondents.

**ORDER (ORAL)
[PER DR. K.B.SURESH,JUDICIAL MEMBER]**

The applicant, Dr. Prem Lata Parihar, had appeared before us today and made a personal representation. Her case was numbered only as Diary No. 828/11, and, therefore, was not numbered for the reason that there were several defects which she had not removed yet. But, she has submitted that on 31.8.2011 she had adopted a male child of 2.5 years of age, but, unfortunately, from the beginning of November 2011 itself, he is suffering from Pneumonia and other connected diseases, and, therefore, as a mother she is unable to accede and comply with the order Annex.A/1 dated 28.11.2011 directing her for



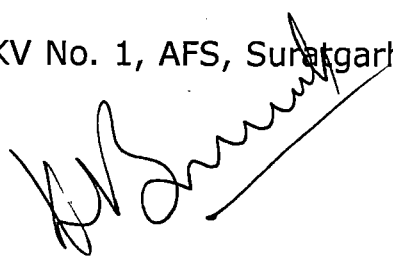
temporary duty to K.V. No. 1, AFS, Suratgarh from 5.12.2011 to 20.12.2011.

2. Since the matter involves the health and welfare of a small child, we are inclined to take-up this matter today itself, and direct that the defects may be notionally considered, as cured. The Registry is to admit the OA and give a number.

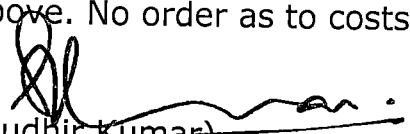
3. She had given a written request on the facing page of the OA itself to allow her a week's time before she joins at K.V., AFS, Suratgarh in compliance of the Annex.A/1 order. In view of human element of mercy in any judicial proceedings, we, therefore, use visitorial powers implicit in the Tribunal, in allowing her this benefit, and she is granted a week's time from today to join at K.V. No. 1, AFS, Suratgarh. The respondents shall regulate and address this issue of temporary deputation of the applicant in view of the human element involved in it, and treat the interregnum period as available leave due. We, therefore, set aside the Annex.A/1 order dated 28.11.2011, and direct the respondents to pass an appropriate order regulating her presence at Suratgarh. She is allowed to join at Suratgarh on 19.12.2011 and thereafter be subject to such other orders as will be issued by the Deputy Commissioner in compliance with our order made today. A copy of the order shall be issued to the respondent Nos. 1 and 2, as well as the Principal KV No. 1, AFS, Suratgarh so

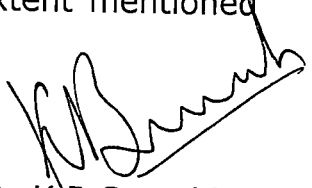
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that he shall, in compliance with this order, take the applicant into service on 19.12.2011. We are not inclined to grant any further relief in this matter, but, the respondents shall consider the case of applicant of granting her Child-care leave to the extent allowed by the rules. The O.A. is allowed to the limited extent mentioned above. No order as to costs.


(Sudhir Kumar)
Admv. Member


(Dr. K.B. Suresh)
Judl. Member

jrm