

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

...

OA No. 290/000423/2016 Date of decision- 27.09.2016

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. PRAVEEN MAHAJAN, MEMBER (A)**

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Chintamani S/o Sh. Ram Khelawan, aged about 47 years,
Resident of Village Mahuara, Post Tandwa, District Siddharth
Nagar (U.P) at present working as Vice Principal, Jahawar
Navodaya Vidyalaya, Tilwasni, District Jodhpur (Raj).

...APPLICANT

BY : Mr. Nimesh Suthar, proxy Advocate for Sh. V.R.
Choudhary, Advocate.

VERSUS

1. Commissioner, Navodaya Vidyalaya Samiti, B-15, Institutional Area, Sector 62, Noida-201307 (U.P) under Human Resource & Development, Department of Education, Government of India, Delhi.
2. Assistant Commissioner (E.III), Navodaya Vidyalaya Samiti, B-15, Institutional Area, Sector 62, NOIDA-201307 (U.P).
3. The Dy. Commissioner, Navodaya Vidyalaya Samiti, Regional Office, 18, Sangram Colony, Mahaveer Marg, C-Scheme, Jaipur (Raj).

RESPONDENTS

ORDER

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HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J):-

The present O.A has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking issuance of directions to the respondents to decide his representation, which is pending for a decision with the respondents.

2. The facts, which led to filing of the present O.A, are that respondent no. 2, Assistant Commissioner, Navodaya Vidyalayas

School (in short 'NVS') issued a circular dated 20.12.2012, notifying 27 tentative vacancies of Principals under promotion quota for which last date of submission of applications was 31.01.2013. The applicant, who belongs to scheduled caste, being eligible under the said quota submitted his application through proper channel. Vide subsequent letter dated 21.10.2013 issued by respondent no. 2, it was clarified that departmental examination for the post of Principal for the vacancy arising up to December, 2013 and qualifying cut off marks is 40% for the General Category and 35% for SC/ST candidates. As many as 247 candidates including applicant applied for promotion to the post of Principal. The written examination was held on 27.10.2013, the result of which was published on the website on 19.12.2013 wherein the applicant was declared as successful in his category. Thereafter, he was called for an interview at N.V.S. headquarter, Noida on 30 & 31 January, 2014. Respondent no. 2 vide order dated 19.05.2014 promoted 19 persons against the above vacancies in which name of the applicant did not find a mention. To stake his claim, he submitted various representation, copy of which are annexed as Annexure A-7 Colly. Vide order dated 06.04.2015 issued by respondent no. 2, the applicant was informed that his matter for promotion to the post of Principal is under consideration and final decision would be communicated to him. His representations were also forwarded to the Commissioner for consideration. Subsequently, similar letter was issued by respondent no. 2 informing the applicant that his matter is under active consideration with higher authority but to no avail. Hence, the present O.A.

3. Learned proxy counsel for the applicant vehemently argued that action of the respondents in not deciding his representation is illegal, thus, a direction be issued to the respondents

to decide the same within a time bound manner as he has already declared successful against the notified vacancy to the post of Principal. Therefore, he made a statement at the bar that the applicant will be satisfied if a direction is given to the competent authority amongst the respondents to take a final view on the pending representation in accordance with rules, in a time bound manner. He also informed that as many as 86 posts of Principal are lying vacant and since, the applicant is already qualified, therefore, his case can be considered for promotion against vacant posts.

4. For the order which we propose to pass, there is no need to issue any notice to the respondents and call for their reply for the simple reason that the applicant is only seeking issuance of direction to decide his pending representation which has to be considered by the respondents objectively by a speaking order.

5. Considering the prayer made in the O.A coupled with the statement made at the bar, we dispose of the present O.A with a direction to the Competent Authority amongst the respondents to take a view on pending representation, by passing a speaking and reasoned order in accordance with law and rules. The above exercise be carried out within a period of two months from the date of receipt of a certified copy of this order, under intimation to the applicant.

6. No costs.

7. The disposal of the O.A may not be construed as an expression of any opinion on the merit of the case.


(PRAVEEN MAHAJAN)
MEMBER (A)


(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 27.09.2016

Place: Jodhpur

'jk'

Naresh Kojak

Dem

5.10.16

Ex. Nimesh Suthan