

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 45/2004

Dated Tuesday this the 20th day of January, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

P.C.Antony
S/o P.A.Cheeku
Panikkassery House
Manjanakad Road
Njarackal

Applicant

(By advocate Mr.Rajit)

Versus

1. The Deputy Commissioner
Kendriya Vidyalaya Sangathan
JNU Campus
New Mehrauli Road,
New Delhi.
2. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office
Madras.
3. The Principal
Kendriya Vidyalaya No.I
Naval Base
Cochin.

Respondents.

(By advocate M/s Iyer & Iyer)

The application having been heard on 20th January, 2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant who served the Kendriya Vidyalaya Sangathan as a Lab Assistant from 3.11.1965 till his date of superannuation on 30.11.94 was not given any promotion at all during his career, as his post did not have any promotional avenues. However, one K.A.Ravindran who was senior to the applicant was given selection grade twice. The applicant did not get any such selection grade. While the applicant was about to retire from service, he submitted a representation (Annexure A-3 dated 13.9.94) inviting attention to the grant of selection grade to K.A.Ravindran and

seeking similar benefit to him. He did not find any response to this. However, he found that the Kendriya Vidyalaya Sangathan had introduced the Assured Career Progression (ACP) Scheme vide letter dated 29.12.2000 (Annexure A-4). Believing that he would be entitled to the benefit under the Scheme or in the alternative for the selection grade, the applicant submitted another representation dated 9.4.2001 (Annexure A-5) to the Deputy Commissioner (Pers.), Kendriya Vidyalaya Sangathan, New Delhi. Yet finding no response, the applicant approached the Hon'ble High Court of Kerala in Writ Petition No.22700/03. The Hon'ble High Court vide its judgement (Annexure A-6) dated 16.7.2003 refused to entertain the application on the ground that the forum before which the the applicant could seek relief was Central Administrative Tribunal in the first instance and gave liberty to the applicant to seek relief before the Tribunal in accordance with law. Thereafter, the applicant made another representation (Annexure A-7 dated 30.7.2003) and has subsequently filed this application seeking a declaration that the applicant is entitled to the benefits in A-4 circular and for a direction to the respondents to give the applicant the benefit of A-4 circular as granted to his senior K.A.Ravindran as also for a direction to the respondents to consider and dispose of A-3, A-5 and A-7 representations.

2. When the application came up for hearing, Mr.Asokan, Advocate, appeared on behalf of the counsel for respondents.

3. After hearing the learned counsel on either side and on a careful scrutiny of the application, Annexure A-4 and other material brought on record, we find that the applicant has no

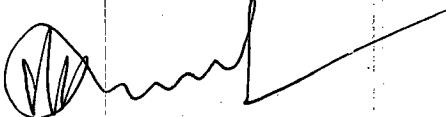


legitimate or subsisting grievance which calls for admission of this application. First of all, annexure A-4 under which the benefit is sought by the applicant applies only in the case of employees of Kendriya Vidyalaya Sangathan who were in service as on the date of A-4. The applicant had demitted office long prior to that date. Therefore, he is not entitled to seek any benefit under A-4. Secondly, the applicant does not have a subsisting claim in regard to selection grade because he having retired from service on 30.11.94 cannot seek either promotion or financial upgradation thereafter. Although the applicant had made a representation in the year 1994 before his retirement, when he did not get any reply to that, within a period of six months, if he was serious about the matter, he should have approached this Tribunal with an original application within one year thereafter. That having not been done, the claim of the applicant, if any, for selection grade got barred under Section 21 of the Administrative Tribunals Act within one year of its expiry from the date of A-4.

4. In the light of what is stated above, this application which does not disclose any valid or subsisting cause of action is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 20th January, 2004.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER
aa.


A.V. HARIDASAN
VICE CHAIRMAN