

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.Nos.532/2000,561/2001, 646/2001
656/2001 & 666/2001

Wednesday, this the 8th day of August, 2001.

CORAM:

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

HON'BLE SHRI T.N.T.NAYAR,ADMINISTRATIVE MEMBER

O.A.532/2000

1. C.D.Joy,
Trained Graduate Teacher(for short as TGT)
Malayalam,
Jawahar Navodaya Vidyalaya (JNV),
Chennithala, Alleppey.
2. Ajayakumar.B.
TGT, JNV, Neruyamangalam,Ernakulam.
3. Mercy Paul,
TGT, JNV, Kottayam.
4. Lizzamma Mathew,
TGT,JNV,Kottayam.
5. Sreelatha A.K
TGT, JNV, Vechoochira, Pathanamthitta.
6. Anitha C.V.
TGT, JNV, Malampuzha, Palakkad.
7. Kumari K.R.
TGT, JNV, Calicut.
8. Ajithakumari.K.
TGT, JNV, Vechoochira, Pathanamthitta.
9. Sreekumar.G.,
TGT, JNV,Malappuram.
10. Sudhakaran Nair,
TGT, JNV, Neruyamangalam, Ernakulam.
11. Preethy,
TGT, JNV, ITC Campus,
Kottarakkara, Kollam.
12. Subha.A.
TGT, JNV, Calicut.

Applicants

(By Advocate Sri V.R.Ramchandran Nair)

vs.

1. Union of India, represented by the
Secretary, Ministry of Human Resources &
Development, Department of Education,
New Delhi.

2. The Director,
Navodaya Vidyalaya Samiti,
New Delhi.
 3. Joint Director,
Administration,
Navodaya Vidyalaya Samiti,
New Delhi.
 4. Abraham Plakeel,
Plakkeel House,
Piravom P.O., Ernakulam District.
 5. Mrs. Usha K.S.
Thandaseery House, Panangad PO,
Kodungallur Via,
Trichur District 680665.
 6. Mrs. Maya Devi Pillai,
Kaduvanthuruthil House,
Konni, Mangaram P.O.
Pathanamthitta.
 7. P. Vasu, Parappurath House,
Kolakkattuchali P.O.
Chelembra, Malappuram.
 8. Alex L, Thadathil Puthenveedu,
Chempakkaramenalloor,
Anchal P.O., Kollam.
 9. Ramachandra Chakyar K.R.,
Chakyar Bhavan,
Vallachira, Thrissur.
- .. Respondents

(By Advocate Sri Mathews J. Nedumpara)
Mr. Vadakara V.V.N. Menon, Advocate (R4-9)

O.A. 561/2001

Rosamma Sebastian,
Trained Graduate Teacher (Malayalam),
Jawahar Navodaya Vidyalaya,
Malampuzha 678 651.

.. Applicant

(By Advocate Shri K.P. Dandapani)

vs.

1. Union of India,
represented by Secretary,
Ministry of Human Resources & Development,
Department of Education,
New Delhi.
2. The Director,
Jawahar Navodaya Vidyalaya Samiti,
New Delhi 110048.

3. The Principal,
Jawahar Navodaya Vidyalaya,
Malampuzha 678 651
Palakkad District.

(By Advocate Mr. C.Rajendran, SCQSC(R-1)
Mr.Mathews J.Nedumpara (R2-3)

O.A.646/2001

Sreelatha.A.K.
Trained Graduate Teacher(TGT for short),
Malayalam,
Jawahar Navodaya Vidyalaya(JNV)
Vechoochira, Pathanamthitta District. ..Applicant

(By Advocate Sri V.R.Ramchandran Nair)

vs.

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the Secretary, Ministry of Human Resources and
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2. The Director,
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New Delhi.
3. Joint Director,
Administration,
Navodaya Vidyalaya Samiti,
New Delhi.
4. The Deputy Director,
Navodaya Vidyalaya Samiti(Hyderabad Region),
6-1-119/C. Padmaonagar, Secunderabad-25.
5. Abraham Plakkeel, Phakkeel House,
Piravom P.O.,
Ernakulam District,
Working as TGT, Navodaya Vidyalaya Samiti.
.. Respondents

(By Advocate Shri Mathews J.Nedumpara (R2-4)
Mr.Vadakara V.V.N.Menon, Advocate(R5)

O.A.656/2001

Lizamma Mathew,
Trained Graduate Teacher(TGT for short),
Malayalam,
Jawahar Navodaya Vidyalaya(JNV for short),
Vadavathoor, Kottayam, residing at
JNV quarters, Vadavathoor, Kottayam. ..Applicant

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Administration,
Navodaya Vidyalaya Samiti,
New Delhi.
4. The Deputy Director,
Navodaya Vidyalaya Samiti(Hyderabad Region),
6-1-119/C, Padmarao Nagar,
Secunderabad-25. .. Respondents

(By Advocate Sri Mathews J.Nedumpara R2-4)

O.A.666/2001

K.Sudhakaran Nair,
Trained Graduate Teacher(TGT for short),
Malayalam,
Jawahar Navodaya Vidyalaya(JNV for short),
Neriyamangalam, Ernakulam, residing at
JNV Quarters, Neriyamangalam, Ernakulam.
.. Applicant

(By Advocate Shri V.R.Ramchandran Nair)

vs.

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Navodaya Vidyalaya Samiti,
New Delhi.
4. The Deputy Director,
Navodaya Vidyalaya Samiti(Hyderabad Region),
6-1-119/C, Padmaaraonnagar,
Secunderabad-25. .. Respondents

(By Advocate Mr.Mathews J.Nedumpara R2-4)

The Application having been heard on 8.8.2001, the Tribunal
on the same day delivered the following:

ORDER

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

These five applications present similar facts and the basic issue to be decided in all these cases is one and the same. Therefore, they are being heard and disposed of by this common order.

2. The facts in the individual cases which are absolutely necessary for a proper adjudication of the issues are briefly stated as follows:

O.A.532/2000

3. The applicants 12 in number, are Trained Graduate Teachers in regional language, Malayalam under the second respondent and are working under the various Navodaya Vidyalayas situated in different places in the State of Kerala. According to Navodaya Vidyalaya Samiti Recruitment Rules, 1995, the applicants were all recruited as Trained Graduate Teachers(Malayalam). Sub Rule (iv) and (v) of Rule-2 of the said rules reads thus:

"(iv) All teaching staff other than Principals, and Vice-Principals and PGTs and all non-teaching staff upto and including Office Superintendents working in Navodaya Vidyalayas in a region, shall be borne on the concerned Regional Cadre. The seniority of Post Graduate Teachers, which is a feeder post for promotion to Vice-Principal, would be maintained on all India basis.

(v) All Group 'A' and 'B' employees of the Samiti including Principals and Vice Principals, will be borne on respective all India Cadres. The seniority of employees borne on Regional Cadre will be maintained at the Regional basis. Notwithstanding anything contained herein any class or category of posts and incumbents thereof, may be placed in the Regional Cadre or All India Cadre, as the case may be by general or special orders of Director, NVS."

In view of the above sub rules, the applicants were expecting that they would not be transferred to other Regions. Finding that on 25.2.2000, the third respondent issued a Circular F.No.2-1/2000-NVS(Estt) to Deputy Directors of all Regional Offices of Navodaya Vidyalaya Samiti, wherein it is stated that the regional language Teachers were liable for rotational transfer between the States where their language is taught and Hindi speaking States, and apprehending that the applicants are liable to be transferred to distant States and Hindi speaking area, the applicants have jointly filed this application seeking to set aside the impugned circular dated 25.2.2000(A-3) to the extent it provide transfers of TG Teachers (regional languages) Hyderabad region to the Hindi speaking States and for a declaration that providing compulsory rotational transfers of the IIIrd language Teachers alone from Hyderabad region to Hindi speaking area is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India. It has also been contended that knowledge of the local language of the region of posting is an essential condition for recruitment, the transfer of the applicant to a different region with different local language is impermissible and would disable the applicants to perform their duties efficiently.

4. On behalf of respondents 1 to 3, a statement has been filed seeking to justify the impugned action on the ground that a new transfer policy was evolved in 1994 taking into consideration the representation made by the language

Teachers working in Northern States for a long time to be given rotational postings to their native places. It is also contended that the appointment order of the applicants contain a clause that they are liable to be posted anywhere in India and as the transfer is an incident of service, the applicants do not have a cause of action for setting aside the impugned order. The transfer is also sought to be justified on the ground of compulsory migration of 30% students from non-Hindi speaking area to Hindi speaking area and vice versa. As the knowledge of local language is not a condition precedent for appointment as Regional Language Teacher, the applicant would not be put to any prejudice on account of the transfer, contend the respondents.

5. Respondents 4 to 9 who have been transferred from various Hindi speaking states to Schools in the Hyderabad Region, pursuant to the impugned order A-3, have got themselves impleaded as additional respondents. They have not filed any statement.

O.A. 646/2001

6. The applicant who is a Trained Graduate Teacher, Malayalam, working in the Navodaya Vidyalaya, Vechoochira, has in this application challenged the order dated 27.6.2001(A-9) to the extent of his transfer to Bareilly. The transfer is assailed on the ground that as per the Recruitment Rules, TG Teacher which is treated as regional cadre, is not liable to be transferred out of the region.

He has also challenged A-10 order which is issued as a consequence of A-9. The applicant is also one of the applicants in O.A.532/2000. One Shri Abraham Plakeel has got himself impleaded as additional respondent No.5, but did not file any reply statement. The official respondents also did not file a reply statement, but the learned counsel for the official respondents states that as the issue involved in this case being the same as the issue in O.A.532/2000, the case can be heard on the basis of the pleadings in that case.

O.A.561/2001

7. The applicant, who is working as Trained Graduate Teacher, Malayalam in Jawahar Navodaya Vidyalaya, Malampuzha, has filed this application challenging her transfer to Mau, Uttar Pradesh on the ground canvassed as in the other cases. The official respondents have adopted the reply statement in O.A.532/2000.

O.A.656/2001

8. Smt Lizamma Mathew, a Trained Graduate Teacher, Malayalam, Jawahar Navodaya Vidyalaya, Kottayam, has filed this application challenging the order dated 27.6.2001(A-8) to the extent of her transfer to Tong, Rajasthan and the order dated 9.7.2001(A-9) issued by the 4th respondent pursuant to A-8 order. The grounds on which the impugned orders assail are the same as in other cases.

O.A.666/2001

9. Shri K.Sudhakaran Nair, a Trained Graduate Teacher, Malayalam, in the Jawahar Navodaya Vidyalala, Neriyaamangalam, has filed this application assailing the order dated 27.6.2001(A-4) to the extent it transfer him to Jaunpur(U.P) by the Navodaya Vidyalaya Samiti and the consequential order A-5 dated 9.7.2001 issued by the 4th respondent. The grounds are the same as in other cases. In this application also, the respondents have adopted the reply statement in O.A.532/2000.

10. We have heard Shri VR Ramachandran Nair, Smt Sumathi Dandapani, learned counsel for the applicants and Shri Mathews J Nedumpara, Shri C Rajendran, SCGSC, learned counsel representing for official respondents and Shri Vadakara V.V.N Menon, learned counsel for the party respondents.

11. The learned counsel for the applicants assail the impugned orders of transfer as also the circular dated 22.6.95 A-1 (in O.A.532/2000) mainly on the ground that the stipulation contained in A-3 that regional language Teachers are liable for rotational transfer to Hindi speaking states, are arbitrary, irrational and in violation of the provisions contained in the Navodaya Vidyalaya Samiti Recruitment Rules 1995(A-1 in O.A.532/2000). Adverting to sub rule (iv) and (v) of Rule 2, the learned counsel with considerable tenacity argued that no general or special order of the Director, NVS has been issued placing the TGT regional

language in the all India cadre as provided for and permitted in the above said clause(iv and (v). The learned counsel argued that it is not permissible to transfer TGT from one region to another, i.e., one cadre to another, and therefore, the provision of rotational transfer of regional language Teachers to Hindi speaking area is impermissible and unsustainable in law. Learned counsel also argued that while making recruitment to the various regions of regional language Teachers, the competence to teach through the concerned regional language except in case of TGT, English and TGT, Hindi has been prescribed as qualification in the annexure to the recruitment rules. Those who are not conversant with the regional language of a North Indian state would not be either qualified or proficient to teach Malayalam to students belonging to those areas and therefore such transfers are against public interest, argued the learned counsel. We find considerable force in the argument of the learned counsel for the applicants that without placing TGT regional language in the all India cadre taking away from the regional cadre as provided for in sub clause(v) of Rule 2 of the NVS Recruitment Rules quoted above, it is not permissible to transfer the TGT, Malayalam from Hyderabad region to a North Indian state by merely issuing a circular. An employee without his consent should not be transferred out of his cadre to another cadre normally. Shri Mathews. J. Nedumpara, learned counsel appearing for the official respondents and Shri Vadakara VVN Menon, the learned counsel appearing for the party respondents in O.A.532/2000 and O.A.646/2001, invited our

attention to a number of rulings of the Apex Court wherein it has been held that a writ would not lie against a Society or a Corporation which is not an instrumentality of the State. The respondents in the reply statement has^{ve} not contended that Navodaya Vidyalaya Samiti is not an instrumentality of State and therefore the application is not maintainable. Therefore, the argument that the Navodaya Vidyalaya Samiti is not amenable to the writ jurisdiction, cannot be permitted to be raised without any pleadings in that behalf. However, we shall consider the question whether an application under Section 19 of the Administrative Tribunals Act would lie against an order passed by the Navodaya Vidyalaya Samiti. The argument of the learned counsel for respondents that the Navodaya Vidyalaya Samiti is not an instrumentality of the State and therefore, is not amenable to the jurisdiction under Article 226 of the Constitution is contrary to the statement made by the official respondents themselves in paragraph 5 of the reply statement which reads as follows:

"The averments and allegations contained in para 4.7 of the above O.A. are not correct and hence denied. It is most respectfully submitted that Navodaya Vidyalaya Samiti is an autonomous body under the Ministry of Human Resources and Development, Government of India, for the purpose of establishing Navodaya Vidyalayas through the country to provide quality education to the talented children predominantly from rural areas".

It is evident from the above statement that the Navodaya Vidyalaya Samiti is performing Governmental function.

funded fully by the Government and controlled by the Central Government and is therefore an instrumentality of the State. Since it has been notified under Section 14(2) of the Administrative Tribunals Act, 1985, we are of the considered view that the application is maintainable.

12. Shri Mathews J Nedumpara, relying on the ruling of the Apex Court in Executive Committee of U.P. State Warehousing Corporation, Lucknow Vs. Chandra Kiran Tyagi, AIR 1970 SC, 1244, wherein it was held that if, in passing an order, a statutory Corporation has violated its own rules which are not statutory, the order of termination from service could not be reversed, though the Corporation might be liable for damages. The learned counsel argued that the position in this case is identical. We are not persuaded to agree to this argument. First of all, the fact and circumstances are different. The Corporation in that case, was not an instrumentality of the State whereas in this case, we hold that the NVS is an instrumentality of the State. Further, in a later ruling, the Apex Court in State Bank of India Vs Anjan Sanyal and others, AIR 2001 SC, 1748 has held as follows:

"4. An order of transfer of an employee is a part of the Service conditions and such order of transfer is not required to be interfered with lightly by a Court of law in exercise of its discretionary jurisdiction unless the Court finds that either the order is malafide or that the service rules prohibit such transfer or that the authorities, who issued the order, had not the competence to pass the order.."

(Emphasis added)

In this case, sub rule(iv) of Rule 2 of NVS Recruitment Rules 1995 clearly provides that all teaching staff other than Principals and Vice Principals and PGTs and all non-teaching staff upto and including Office Superintendents working in Navodaya Vidyalayas in a Region, shall be borne on the concerned Regional Cadre and the seniority of Post Graduate Teachers which is a feeder post for promotion to Vice Principal, would be maintained on all India basis. It is well settled that an employee cannot be transferred outside his cadre without his consent unless it becomes necessary on extreme administrative exigency. Clause(v) of Rule 2 provide that any class or category of posts and incumbents may be placed in the Regional Cadre or all India Cadre, as the case may be, by general or special orders of Director, NVS. So long as such a special or general order has not been issued, an employee cannot be transferred out of his cadre in the normal course. The argument of the learned counsel for respondents that the order dated 25.2.2000(A-3 in O.A.532/2000) can be treated as a special or general order also is not tenable because it is neither a general or special order issued by the Director of the Samiti placing the TGT in the all India cadre taking it away from the regional cadre, but is only a letter which states that as in the previous years, Samiti intended to undertake the annual transfers and in that process the regional language Teachers are also liable for rotational transfer between States where their language is taught and Hindi speaking States. Annexure A3 communication to the Deputy Directors of all Regional Offices is only a letter written by Joint Director, Administration, without quoting any

authority for it cannot be construed as a general or special order provided for in the Recruitment Rules. The argument of the learned counsel for the respondents that the NVS Recruitment Rules, 1995(A-1 in O.A.532/2000) is not a statutory rule and therefore, A-3 dated 25.2.2000 has also equal force is untenable, because NVS Recruitment Rules is the Recruitment Rules governing the recruitment and service conditions of the Teachers and other staff of the NVS as is evident from A-1. Source of power has been drawn from Rule 24 of the Rules of Navodaya Vidyalaya Samiti, whereas, A-3 does not disclose the source of power and is only a letter issued only by the Joint Director(Administration). Recruitment Rules cannot be equated to a letter. Therefore, A-3 and A-1 do not stand on the same footing. The argument of the learned for the respondents that A-1 not being statutory rules issued under Article 309 of the Constitution or an administrative order by the Government, it does not have any statutory force, and that its violation cannot be questioned is not untenable because as Annexure A1 is the Recruitment Rules, its violation is not free from the pale of judicial scrutiny.

13. The applicants in these cases have accepted the appointment, according to the terms specified in the Annexure A1 Recruitment Rules. Any variation of the terms can be made only under due process as prescribed in the Rules. While the Recruitment Rules provides for placing any class or category of persons included in the Regional cadre into the all India cadre, see Rule 2, sub-rule V, without

doing that by issue of a general or special order, officers from one cadre to the other cadre cannot be freely transferred in the normal course. In the Recruitment Rules for appointment as Trained Graduate Teacher, the essential qualification No.(2) reads as follows:-

Competence to teach through the concerned regional language except in case of TGT,English and TGT,Hindi."

Recruitment is made on regional basis. A candidate recruited from Hyderabad region as IIIrd language teacher should have the proficiency to teach the particular third language in the regional language in the schools within that region. Such a teacher need not have the proficiency to teach in the regional language of West Bengal or Orissa or any other region for that matter. Therefore in practice also it would be rather very difficult for a third language teacher recruited in one region to effectively teach the language in another regional language in which he is not proficient. When the 4th applicant in O.A.532 of 2000 made an application for appointment, finding that her appointment was being delayed, the Deputy Director, Navodaya Vidyalaya Samiti, Hyderabad region wrote to her a reply dated 19.7.90(Annexure A11 in O.A. 532/2000). It reads as follows:-

Sir/Madam,

With reference to your application for the post of TGT IIIrd language post, it is intimated that there are no vacancies in Hyderabad Region.

You are therefore requested to exercise your option to sponsor your name to other Regions in case vacancies exist in other regions.

Your option shall reach the undersigned on or before 11 July 1990 for taking necessary action. The necessary option form enclosed may be signed and sent to this office on or before 31.7.90."

This shows that recruitment is made specifically to one region and if appointment is to be made to another region, option of the individual is required. In the face of all these facts and circumstances, we find that the impugned order Annexure A3 in O.A. 532/2000 providing for rotational transfer from one region to another, cannot be sustained. The other impugned orders in individual cases to the extent it affects the individual applicants also therefore cannot be sustained.

14. The learned counsel of the respondents invited our attention to a ruling of the Hyderabad Bench of the Central Administrative Tribunal in O.A.622 of 2000. In almost identical circumstances the Hyderabad Bench dismissed the O.A. holding that policy decisions of the Government are not open to challenge before the Tribunal and that the TGT has an all India transfer liability. The learned counsel also pointed out that in the appointment order of the applicants it had been mentioned that they are liable to serve anywhere in India. The learned counsel therefore argued that these applications need to be dismissed following the view taken by the Hyderabad Bench. We are fully aware that the Bench has to take into account the ruling of a coordinate Bench of the Tribunal on identical issue. However the question whether without issuing a general or special order placing the TGT placed in the Regional cadre into the all India cadre in the manner prescribed in Rule 2(V) of the Recruitment Rules, a mere letter can be issued providing for inter cadre transfer which is the issue in these cases, was not considered by the

Hyderabad Bench in that case for want of pleading in that regard. There was no plea in the case before the Hyderabad Bench that the letter providing for inter regional transfer of Third Language Teachers recruited regionwise was against the provisions of the Recruitment Rules. In the case before us, the issue has been raised and therefore the decision of the Hyderabad Bench has no application in this case as the same is distinguishable in the light of the specific pleading in the cases before us. The contention that on account of a clause in the appointment order, the appointees could be posted anywhere in India, the applicants cannot impugn the transfer orders also, cannot be accepted, for a term in the appointment order against the provisions of the recruitment rules and against the specific terms of recruitment would not be valid and enforceable.

15. In the result in the light of the above discussions, all the applications are allowed. The impugned orders Annexure A3 in O.A.532/2000 and the transfer of the applicants by the impugned orders in these cases are set aside. There is no order as to costs.

Sd/-
(T.N.T.NAYAR)
ADMINISTRATIVE MEMBER

Sd/-
(A.V.HARIDASAN)
VICE CHAIRMAN

trs/njj

List of Annexures referred to in the Order:

O.A.532/2000

1. Annexure A1 True copy of recruitment rules as per notification No.F2-29-NVS(Admn) dated 22.6.1995 with schedule.
2. Annexure A3 True copy of Order No.F.No.2-1/2000-NVS(Estt) dated 25.2.2000 issued by the 3rd respondent revising the transfer policy .

O.A.646/2001

1. Annexure A9 True copy of order No.F.No.2-17/2001-NVS(Estt) dated 27.6.2001 issued by the Asst.Director, Navodaya Vidyalaya Samiti for the 2nd respondent.
2. Annexure A10 True copy of order No.F.No.1-(IR)/NVS(MR)/2001-02/RL/1126 dated 9.7.2001 issued by the 4th respondent.

O.A.656/2001

1. Annexure A8 True copy of order No.F.No.2-17/2001-NVS(Estt) dated 27.6.2001 issued by the Asst.Director, Navodaya Vidyalaya Samiti for the 2nd respondent.
2. Annexure A9 True copy of order No.F.No.1-4(I R)/NVS(HR)/2001-02/RL/1126 dated 9.7.2001 issued by the 4th respondent.

O.A.666/2001

1. Annexure A4 True copy of order No.F.No.2-17/2001-NVS(Estt) dated 27.6.2001 issued by the Asst.Director, Navodaya Vidyalaya Samiti for the 2nd respondent.
2. Annexure A5 True copy of order No.F.No.1-4/(HR)/2001-02/RL/1126 dated 9.7.2001 issued by the 4th respondent.

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.Nos.532/2000,561/2001, 646/2001,
656/2001 & 666/2001

Friday this 11th day of January,2002.

CORAM:

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

O.A.532/2000

1. C.D.Joy,
Trained Graduate Teacher(for short as TOP),
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Applicants

(By Advocate Sri V.R.Ramchandran Nair)

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2. The Director,
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Thandaseery House, Panangad PO,
Kodungallur Via,
Trichur District 680665.
6. Mrs. Maya Devi Pillai,
Kaduvanthuruthil House,
Konni, Mangaram P.O.
Pathanamthitta.
7. P. Vasu, Parappurath House,
Kolakkattuchali P.O.
Chelembra, Malappuram.
8. Alex L. Thadathil Puthenveedu,
Chempakkaramenallor,
Anchal P.O., Kollam.
9. Ramachandra Chakyar K.R.,
Chakyar Bhavan,
Vallachira, Thrissur.

.. Respondents

(By Advocate Sri Mathews J. Nedumpara)
Mr. Vadakara V.V.N. Menon, Advocate (R4-9)

Q.A. 561/2001

Rosamma Sebastian,
Trained Graduate Teacher (Malayalam),
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Malampuzha 678 651.

.. Applicant

(By Advocate Shri K.P. Dandapani)

vs.

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represented by Secretary,
Ministry of Human Resources & Development,
Department of Education,
New Delhi.
2. The Director,
Jawahar Navodaya Vidyalaya Samiti,
New Delhi-110048.

3. The Principal,
Jawahar Navodaya Vidyalaya,
Malampuzha 678 651
Palakkad District.

(By Advocate Mr. C.Rajendran, SCGSC(R-1)
Mr.Mathews J.Nedumpara (R2-3)

Q.A.646/2001

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New Delhi.
2. The Director,
Jawahar Navodaya Vidyalaya Samiti,
New Delhi.
3. Joint Director,
Administration,
Navodaya Vidyalaya Samiti,
New Delhi.
4. The Deputy Director,
Navodaya Vidyalaya Samiti(Hyderabad Region),
6-1-119/C. Padmaranagar, Secunderabad-25.
5. Abraham Plakkeel, Phakkeel House,
Piravom P.O.,
Ernakulam District,
Working as TGT, Navodaya Vidyalaya Samiti.

.. Respondents

(By Advocate Shri Mathews J.Nedumpara (R2-4)
Mr.Vadakara V.V.N.Menon, Advocate(R5)

Q.A.656/2001

Lizamma Mathew,
Trained Graduate Teacher(TGT for short),
Malayalam,
Jawahar Navodaya Vidyalaya(JNV for short),
Vadavathoor, Kottayam, residing at
JNV quarters, Vadavathoor, Kottayam.

..Applicant

(By Advocate Sri V.R.Ramchandran Nair)

vs..

.4.

1. Union of India represented by
the Secretary, Ministry of Human Resources &
Development, Department of Education,
New Delhi.
2. The Director,
Jawahar Navodaya Vidyalaya Samiti,
New Delhi.
3. Joint Director,
Administration,
Navodaya Vidyalaya Samiti,
New Delhi.
4. The Deputy Director,
Navodaya Vidyalaya Samiti(Hyderabad Region),
6-1-119/C, Padmarao Nagar,
Secunderabad-25.

.. Respondents

(By Advocate Sri Mathews J. Nedumpara)

Q.A.666/2001

K. Sudhakaran Nair,
Trained Graduate Teacher(TGT for short),
Malayalam,
Jawahar Navodaya Vidyalaya(JNV for short),
Neriyamangalam, Ernakulam, residing at
JNV Quarters, Neriyamangalam, Ernakulam.

.. Applicant

(By Advocate Shri V.R. Ramchandran Nair)

vs.

1. Union of India represented by
the Secretary, Ministry of Human Resources &
Development, Department of Education,
New Delhi.
2. The Director,
Jawahar Navodaya Vidyalaya Samiti,
New Delhi.
3. Joint Director,
Administration,
Navodaya Vidyalaya Samiti,
New Delhi.
4. The Deputy Director,
Navodaya Vidyalaya Samiti(Hyderabad Region),
6-1-119/C, Padmarao Nagar,
Secunderabad-25.

.. Respondents

(By Advocate Mr. Mathews J. Nedumpara)

The Application having been heard on 12.12.2001, the
Tribunal on 11.1.2002 delivered the following: