

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.100/04

Dated Tuesday this the 10th day of February, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

1. All India Kendriya Vidyalaya
Non-Teaching Staff Association
represented by its General
Secretary in Charge, Shri C.S.Prem
C/o Kendriya Vidyalaya No.II
Naval Base, Kochi.

2. C.S.Prem
S/o Late C.G.Stephen
L.D.Clerk, Kendriya Vidyalaya No.II
Naval Base, Kochi. Applicants

(By advocate Mr.C.P.Sudhakara Prasad)

Versus

1. The Board of Governors
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi.

2. The Joint Commissioner
(Academic Section)
Kendriya Vidyalaya Sangathan
18, Insititutional Area
Shaheed Jeet Singh Marg
New Delhi.

3. The Joint Commissioner (Administration)
18, Institutional Area
New Delhi.

4. The Conmmisioner
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi.

5. The Deputy Commissioner (Academics)
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi. Respondents.

(By advocate M/s Iyer & Iyer)

~

The application having been heard on 10th February, 2004 the Tribunal on the same day delivered the following:

ORDER

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

The first applicant is All India Kendriya Vidyalaya Non-Teaching Staff Association represented by its General Secretary in Charge and the second applicant is an LDC working in Kendriya Vidyalaya No.II, Naval Base, Kochi. The grievance of the applicants is that the Kendriya Vidyalaya Sangathan has, without consulting the Joint Consultative Machinery (JCM), altered the staffing norms for non-teaching staff in Kendriya Vidyalayas reducing the number of posts of LDCs at K.V.No.II, Naval Base, Kochi from 2 to 1 while there is requirement of enhancement of the post to 3 and that the representation submitted by the second applicant to the 4th respondent has not been considered and disposed of. Therefore the applicants have sought the following reliefs in this application:

- (i) Issue a direction to the 4th respondent to consider and pass orders on A-5 representation forthwith;
- (ii) Issue a direction to the Joint Commissioner (Academic) and Deputy Commissioner (Academic) to sanction 3 posts of Superintendent in Kendriya Vidyalaya No.II, Naval Base;
- (iii) Issue a direction to the respondents to sanction posts of non-teaching staff in the Kendriya Vidyalayas coming under the Sangathan in accordance with A-2 decision of the council;
- (iv) Issue an order setting aside Annexure A-3 and A-4.
- (v) Issue a direction to the respondents to sanction posts of non-teaching staff in the Kendriya Vidyalayas coming under the Sangathan in accordance with Article 237-A of the Accounts Code of the Kendriya Vidyalayas.
- (vi) Issue a direction directing the respondents to consider and dispose of A-5 representation and implement A-2 decision of the council before 31.3.2004.

2. When the application came up for hearing, M/s Iyer and Iyer appeared for the respondents. The learned counsel on either side agreed that the application may now be disposed of without

✓

going into the merit, directing the 4th respondent to consider A-5 representation of the applicant and to give him a speaking order within a reasonable time keeping in abeyance the implementation of the impugned A-3 & A-4 orders.

3. In the light of the above submissions by the learned counsel on either side, and in the interests of justice, this Original Application is disposed of directing the 4th respondent to consider the A-5 representation of the applicant in the light of the rules, rulings, norms and other instructions on the subject and give the applicant a speaking order within three months from the date of receipt of the copy of this order. We also direct that till an order on the representation is served on the applicant the impugned orders A-3 & A-4 shall not be implemented.

Dated 10th February, 2004.

H.P.DAS
ADMINISTRATIVE MEMBER

aa.


A.V. HARIDASAN
VICE CHAIRMAN