

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.300/2006

Monday this the 6 th day of August, 2007.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

K.Jayamohanan
Trained Graduate Teacher/Maths
Kendriya Vidyalaya, Pangode
Thiruvananthapuram District
Residing at : No.TC 3/1334 (2), Krishna Kripa
Lakshmi Nagar, Pattom PO
Trivandrum : Applicant

(By Advocate Shri.T.C.Govindaswamy)

Versus

1. The Commissioner
Kendriya Vidyalaya Sangathan
No.18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi – 110 016
2. Assistant Commissioner (Administration & Finance)
Kendriya Vidyalaya Sangathan
No.18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi – 110 016
3. The Education Officer
Kendriya Vidyalaya Sangathan
No.18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi – 110 016

4. Shri K.C.Mathew
Principal
Kendriya Vidyalaya , Pangode
Trivandrum District
5. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, Chennai Region
IIT Campus, Chennai – 600 036. Respondents

(By Advocate Shri. Thomas Mathew Nellimoottil)

The application having been heard on 06.08.2007,
the Tribunal on the same day delivered the following.

ORDER

HONB'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

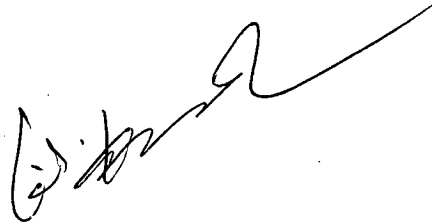
The short issue involved in this case is as to the treatment of the period from 1.5.06 to 12.5.06 when the applicant is stated to have not been permitted to perform his duties at Pangode as Trained Graduate Teacher (Maths). Briefly stated, a promotion-cum- transfer order of the applicant to Manmad vide Annexure A-1 stood modified vide Annexure A-6 posting the applicant to Pangode. However, according to the applicant when he reported for duties he was prevented by the respondents 4 & 5 from joining the duty. Subsequently, after a short transfer to




Chennai the applicant was once again posted back to Pangode, vide Annexure R-1. The applicant who had by an interim order joined at Pangode continued there since 13.05.2006. Thus the question is treatment of 12 days from 1.5.06 to 12.5.06. Taking into account the facts and circumstances of the case, I am of the considered opinion that the applicant was ever ready to perform his duties but was not permitted to do so for certain confusions in the mind of the Respondents 4 & 5. As such, this period shall be treated as duty and the applicant is entitled to necessary pay and allowances etc., as if the applicant had joined higher post as on 1.5.06. Let necessary orders be passed in this regard by the competent authorities .

2. O.A. is disposed of. No costs.

Dated, the 6th August, 2007.



K.B.S.RAJAN
JUDICIAL MEMBER