

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.341/2004

Monday, August 20, 2007

CORAM :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL 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-682 004.
- 2 C.S.Prem,
L.D.Clerk, Kendriya Vidyalaya No.II,
Naval Base, Kochi-682 004.
residing at Chiramel House,
Kuttungal Lane, Kochupally Rroad,
Thoppumpady, Cochin-682 005. ... Applicants

By Advocate Mr.T.C.G.Swamy

V/s.

- 1 The Board of Governors,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016.
- 2 The Joint Commissioner (Acad.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016.
- 3 The Joint Commissioner (Administration),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016.

- 4 The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016.
- 5 The Deputy Commissioner (Acad.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016. ... Respondents

By Advocate Ms.Laxmi for M/s.Iyer & Iyer.

The application having been heard on 20.8.2007 the Tribunal, on the same day delivered the following:

(ORDER)

Hon'ble Mrs. Sathi Nair, Vice Chairman

1 The applicant is the All India Kendriya Vidyalaya Non-Teaching Staff Association represented by its General Secretary in-Charge and this case has been filed in the wake of orders issued vide Annexure A-3 and A-4 dated 20/10/2003 and 31/7/2003 respectively revising the Staffing Norms of Ministerial Staff of Kendriya Vidyalaya seeking the following reliefs:-

- (i) issue an order setting aside Annexures A-3, A-4 and A-7.
- (ii) issue a direction to the Joint Commissioner (Acad.) and Deputy Commissioner (Acad.) to sanction 3 posts of L.D.Clerks, 3 posts of U.D.Clerks and one post of Superintendent in Kendriya Vidyalaya No.II, Naval Base;
- (iii) issue a direction directing the respondent to sanction posts of non-teaching staff in the Kendriya Vidyalayas coming under the Sangathan in accordance with Annexure A-2 decision of the Council;
- (iv) issue a direction directing the respondents to sanctions posts of non-teaching staff in the Kendriya Vidyalayas coming under the Sangathan in

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accordance with Article 327-A of the Accounts Code of the Kendriya Vidyalayas.

(v) grant such other further reliefs as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case with costs."

2 Respondents have submitted that the refixation of the staff norms challenged by the applicants was approved by the Board of Governors in the 72nd meeting of the Board. On receiving representations, the entire matter was re-considered in the 73 rd meeting of the Board held on 14/12/2005 and the norms existing prior to 2003 were restored. Minutes of the said meeting is reproduced:-

**ITEM NO.9 AMENDMENT IN NORMS FOR STAFF
STRENGTH OF NON-TEACHING STAFF
& RESTORATION OF POST OF ASSTT. SUPDT.
IN KENDRIYA VIDYALAYAS HAVING THREE
SECTIONS**

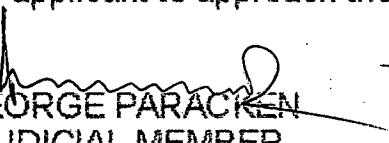
The BOG approved the recommendations of the Finance Committee and accordingly the staffing pattern will be as under:-

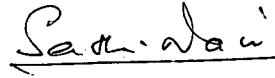
No. of sections in KV	Superintendent	Assistant Superintendent	UDC	LDC's
01 Section			01	01
02 Section			01	01
03 Section		01	01	01
04 Section		01	01	01
05 Section & above	01	01	01	01

It was further decided that the matter would be referred to the Ministry of Human Resource Development for necessary approval and budgetary allocation."

3 In the wake of these developments, we find that the reliefs sought for by the Association do not survive any further.

4 By consent of parties, the OA is closed with liberty to the applicant to approach the court in case the necessity arises in future.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

abpsn