

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.507/94

Shri D.N.Dhaware
Pune

Applicant

vs

Kendriya Vidyalaya Sangathan
& Anr.

...

Respondents

Coram: Hon'ble Shri N.K.Verma, Member(A)
Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri K.R.Bhise, Advocate
for the applicant.

Dated: 18-4-94

Tribunal's Order:
(Per: Hon'ble Shri N.K.Verma, Member(A))

Shri Bhise for the applicant who has come up with a prayer to direct the respondents to continue the applicant as a Physical Education Teacher in the Kendriya Vidyalaya, till the regular candidate appointed by the respondent No.2. In support of this contention he has produced an appointment order dated 7-8-93 in which it was mentioned that the services of the applicant is purely temporary and on ad-hoc basis and is terminable before the specific date or till the regular incumbent joins, without notice on either side. Para 6 of the same appointment letter which has been normally stipulated that he/ she may please note carefully that the offer is for purely temporary which will not last in any case beyond 179 days. Since the order of appointment is 7-8-93, actually 179 days have already elapsed and the applicant has no locus-standy for continuing in the appointment beyond the period of 179 days.

N.K.Bhise

Learned counsel for the applicant has stated that there are several other cases where officials are being continued beyond 179 days after technical breaks or at the stations other than ^{where} they were ~~re~~ officially appointed. So far this instant case is concerned, no civil rights of the applicant is affected by the termination order which is clearly specified that the post was for a period of 179 days.

In view of this there is no merit in the application and therefore we are rejecting the case at the admission stage itself. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member/J

N.K.Verma
(N.K.Verma)
Member/A

See R.P. order dt 2/2/1984

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESOT ROAD, BOMBAY-1

R.P. No. 57 of 1994

in

O.A. No. 507 of 1994

D.N. Dhaware

..Applicant

v/s.

Assistant Commissioner
Kendriya Vidyalaya Sangathan
Bombay Region, IIT Powai
Bombay 400076 & another

..Respondents

Coram : Hon. Shri N K Verma, Member (A)
Hon. Smt. Lakshmi Swaminathan, M(J)

TRIBUNALS ORDER : (By Circulation)
(Per: N K Verma, Member (A))

Dated: 22.04.1994

This is a review petition by the applicant in the O.A. No. 507/94 in which he seeks the review of the order dated 18.4.1994 under which his application was rejected at the admission stage.



He has brought to our notice two judgements of this very Tribunal, one delivered by the Hon. Chairman in a Division Bench at New Delhi on 11.4.86 and another of this very Bench on 2.8.1993 in which it was said that Kendriya Vidyalaya Sanghatana is not amenable to the jurisdiction of the Tribunal as it is an autonomous body and has not been brought under the purview of the Administrative Tribunals Act as no notification is contemplated under sec 14(2) has been issued by the Central Government.

In view thereof, on review we find that the contention of the applicant in review petition is worthy of consideration as new facts have been brought to our notice. Accordingly the review petition is allowed and we set aside our order dated 18.4.1994. The Original Application is also disposed of in terms of the above observations.

Certified True Copy

Date:

Section Officer
Central Admin. Tribunal,
Bombay Bench.