

(28)

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 450/91.

Date of Decision : 28.6.91

~~T.A. No.~~

Smt. A.Chaya Devi

Petitioner.

Shri G.V. Subba Rao

Advocate for the  
petitioner (s)

Versus

The Dy. Director, Navodaya Vidyalaya Samiti, Respondent.  
Hyderabad Region, 36, Sarvasukhi Colony,

West Marredpally, Secunderabad-500026 & 2 others

Shri N.V. Ramana, SC for R1 & R2

Advocate for the  
Respondent (s)

-do-

SC for Railways (R3).

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member(Judicial)

THE HON'BLE MR. R.Balasubramanian : Member(Admn).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
  2. To be referred to the Reporter or not ?
  3. Whether their Lordships wish to see the fair copy of the Judgment ?
  4. Whether it needs to be circulated to other Benches of the Tribunal ?
  5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)
- 23

HJNM  
M(J)

HRBS  
M(A)

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.450/91.

Date of Judgment 28-6-91

Smt. A.Chaya Devi

.. Applicant

Vs.

1. The Dy. Director,  
Navodaya Vidyalaya Samiti,  
Hyderabad Region,  
36, Sarvasukhi Colony,  
West Marredpally,  
Secunderabad-500026.

2. The Principal,  
Jawahar Navodaya Vidyalaya,  
Chilakurthi Camp,  
Nalgonda District, A.P.

3. The Divl. Railway Manager,  
South Central Railway,  
Vijaywada.

.. Respondents

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Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri N.V.Ramana,  
SC for R1 & R2  
Shri N.V.Ramana,  
SC for Railways (R3)

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CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

I Judgment as per Hon'ble Shri R.Balasubramanian,  
Member(Admn) I

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This application has been filed by Smt. A.Chaya Devi  
under section 19 of the Administrative Tribunals Act, 198  
against the Dy. Director, Navodaya Vidyalaya Samiti,  
Hyderabad Region, 36, Sarvasukhi Colony, West Marredpally  
Secunderabad-500026 and 2 others.

2. At the relevant point of time she was working as Hindi Assistant in the Office of the Senior Divisional Personnel Officer, South Central Railway, Vijaywada. She was sent on deputation to Jawahar Navodaya Vidyalaya Samiti (hereinafter referred to as Samiti), Chilakurthi Camp, Nalgonda District, A.P. According to the relief order issued by the Divisional Railway Manager, Vijaywada her lien was to be maintained on the South Central Railway upto 30.6.91 or till her permanent absorption in the Samiti whichever was earlier. Accordingly, she was relieved on 7.9.89 and joined the Samiti on 12.9.89. The academic session for 1989-90 closed on 30.4.90 and followed by a two month vacation during May & June, 1990 which she enjoyed. The next academic session 1990-91 started on 1.7.90 and came to a close on 30.4.91. Thereafter there was to be a vacation for two months from 1.5.91 to 30.6.91. The Dy. Director of the Samiti issued an office order dated 12.4.91 relieving the applicant w.e.f. 30.4.91 with a direction to go back to the parent department. They also denied her the transfer T.A. and other benefits. The applicant is aggrieved that she had been relieved hastily on 30.4.91 just to deny her the benefit of vacation for two months which she is entitled to by virtue of having served the Samiti for the full academic year. She has prayed for a direction that she be treated on the books of the Samiti upto 30.6.91 and has also prayed for transfer T.A. and other allowances as per rules prior to repatriation to the parent department.

3. The application is contested by the respondents. In the first instance, they have raised the question of jurisdiction stating that Navodaya Vidyalaya Samiti is only a registered society and does not come under the jurisdiction of this Tribunal.

4. The respondents also have drawn our attention to the stipulation 16 of the terms and conditions of deputation according to which the Samiti can be reverted back to the parent organisation at any time of administrative grounds.

5. We have examined the case and heard the learned counsel for the applicant and the respondents. The respondents have raised the question of jurisdiction. In the reply affidavit filed by the applicant it has been mentioned that the Samiti is a unit of the Department of Education in the Ministry of Human Resources & Development of the Central Government. They also showed some letter-heads and some orders issued by the Under-Secretary of the Ministry from which we see that it is a unit of the Department of Education of the Ministry of Human Resources & Development. <sup>During</sup> ~~Towards the end of~~ the hearing the learned counsel Shri N.V.Ramana also admitted that he is appearing both for the Railways and for the Samiti and did not press the case of jurisdiction.

6. The relief order dated 7.9.89 issued by the Divisional Railway Manager, Vijaywada indicates that the deputation would be till 30.6.91 or till her permanent absorption in the Samiti whichever was earlier.

To

1. The Deputy Director,  
Novodaya vidyalaya Samiti, Hyderabad Region,  
36, Sarvasukhi Colony, West Marfedpally,  
Secunderabad-26.
2. The Principal, Jawahar Navodaya Vidyalaya  
Chilakurthi Camp, Nalgonda Dist.A.P.,
3. The Divisional Railway Manager, S.C.Railway, Vijayawada.
4. One copy to Mr.G.V.Subba Rao, Advocate  
1-1-230/33, Jyothi Bhavan, Chikkadapalli, Hyderabad.
5. One copy to Mr. N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Mr. Hon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.
7. One spare copy.


pvm

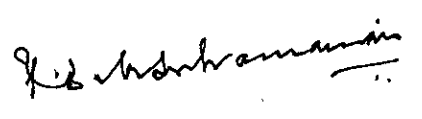
JKJ

By this, the applicant can continue in the Samiti upto 30.6.91. She had ~~also~~ enjoyed the vacation during 1989-90 and is entitled to the vacation for 1990-91 also by virtue of having served the Samiti for the full academic year. But the Samiti had relieved her w.e.f. 30.4.91 itself and now they take cover, under the stipulation 16 of the terms and conditions of deputation that anytime she could be reverted back to the parent organisation on administrative grounds. The Samiti has not spelt out what the administrative ground was. It is evidently to deny the applicant the benefit of two months' vacation which she has earned and is entitled to. We are therefore clearly of the opinion that she should be treated as having been relieved only on 30.6.91 from the Samiti.

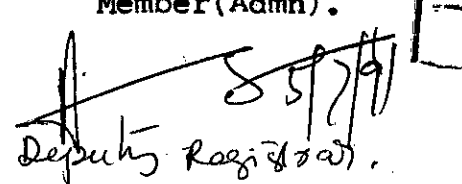
7. As for the claim of the applicant for transfer T.A., the respondents have stated in the counter affidavit that based on her representation dated 16.4.91 ~~that~~ she could avail <sup>of</sup> the eligible transfer benefits. In view of this, no further order is required.

8. We, therefore, direct the respondents to treat the applicant as having served the Samiti till 30.6.91 after-noon. The application is allowed, however, with no order as to costs.

  
( J.Narasimha Murthy )  
Member(Judl).

  
( R.Balasubramanian )  
Member(Admn).

Dated 28<sup>th</sup> June 91

  
Deputy Registrar.

perop  
RUS  
5/7/91

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA: V.C.

AND

THE HON'BLE MR. D. SURYA RAO: M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTHY: M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATED: 28.6-1991.

ORDER / JUDGMENT.

M.A./R.A./C.A. No.

in

T.A. No.

W.P. No.

O.A. No. 450/91

Admitted and Interim directions  
issued.

Allowed. ✓

Disposed of with direction.

Dismissed. ✓

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

