

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 05.04.02

CA No.243/2001

Mrs. Santosh Mirdha, Post Graduate Teacher - Commerce,
Staff Quarters, Kendriya Vidyalaya No.2, Jhotwara, Jaipur

..Applicant

Versus

1. Dy. Commissioner (Personnel), 18, Institutional Area, KVS (HQ), New Delhi.
2. Shri A.Jyothy Kumar, Principal, KV No.2, Jaipur, Army Area, Jhotwara, Jaipur

.. Respondents

Miss Shalini Sheoran, counsel for the applicant

Mr. V.S.Gurjar, counsel for the respondents

CORAM:

Hon'ble Mr. H.O.Gupta, Member (Administrative)

Hon'ble Mr. J.K.Kaushik, Member (Judicial)

ORDER

Per Hon'ble Mr. H.O.Gupta, Member (Administrative)

The applicant is aggrieved of the notice dated 24.4.2001 (Ann.A1) regarding vacation of premises. In relief, she has prayed for quashing the said notice and for appropriate directions to the respondent No.2 not to take action in a malafide and arbitrary manner showing total disregard to the rules and regulations of the Sangathan, alongwith the cost of application for unnecessary harassment.

2. The case of the applicant as made out, in brief, is that:-

2. She is Post Graduate Teacher since 1986 in the



Kendriya Vidyalaya Sangathan (KVS). During her 15 years of service, she has maintained 100% board result of students in subjects of Accounts and Business Studies. On the basis of her seniority-cum-merit, she was allotted a staff quarter in the year 1990 and since last 11 years, she is residing in the said quarter and maintained both public and private life with absolute integrity.

2.2 The respondent No.2 was appointed as Principal 11 months back and since then he is troubling her by bringing out small defects in her way of teaching. The Principal has started harassing her without any basis. This was possibly due to the fact that for some unknown reasons, the ego of the Principal was hurt. He issued a notice dated 24.4.2001 to her on the ground that there was a complaint received from the Rajasthan State Electricity Board against her regarding theft of electricity. The notice dated 7.7.2000 was issued ex-parte without checking up the record as well as without providing her any opportunity asking not to repeat the alleged act. She suffered a great mental agony for the said arbitrariness of the Principal. He did not stop and issued another ex-parte notice dated 15.12.2000 whereby her increment for one year was withheld for the alleged act. The validity of two ex-parte notices dated 7.7.2000 and 15.12.2000 are under challenge before this Tribunal in OA No.204/2001.

2.3 The respondent No.2 i.e. the Principal for the purpose of satisfying his ego wants to get the premises vacated forcefully and when she submitted before him that the impugned notice may be withdrawn, the Principal stated that he is the Principal, he can do whatever he likes and that he can get the premises evicted.



3. The respondents have contested this application and denied the various allegations made in this OA. The applicant has also filed a rejoinder.

4. Heard the learned counsel for the parties and perused the record.

4.1 On perusal of the impugned notice dated 24.4.2001 (Ann.A1), we find that it is a general notice meant for staff members and their spouses/relatives etc., who pick up unnecessary arguments with the security guards. It also contains certain guidelines for maintaining harmonious relations with the neighbours. It is also mentioned in the notice that the Principal being the Head of the institution and allotting-cum-disciplinary authority reserves the right to evict/make vacate any resident from the staff quarters for any act disharmonious and unbecoming of a government servant in accordance with the rules relating to allotment of residence wherein it is specified that Principal is the competent authority to take any appropriate action on the staff whose quarters are under him. This notice further contains clause 17(1) of KVS Allotment of Residence Rules.

4.2 We find that this notice is a general notice and not exclusively meant for the applicant. We are unable to appreciate as to how the applicant is aggrieved by this notice. The applicant herself submitted that before the impugned notice (Ann.A1), the respondent No.2 had issued notices dated 7.7.2000 and 15.2.2000 which are under challenge in this Tribunal through a separate OA No. 204/2001 pending before this Tribunal.

4.3 During the course of arguments, the learned counsel for the respondents submitted that the impugned notice dated 24.4.2001 nowhere states that the applicant's allotment is being cancelled or it is a show-cause notice to her for cancellation of the allotment. He also submitted that till the date of hearing (27.3.2002), the respondents are not contemplating to take any action against the applicant regarding cancellation of allotment or eviction from the quarter. The contention of the learned counsel for the applicant is that the Principal has no authority to issue the impugned notice and it has been done only to harass the applicant. The Principal is neither the Allotting nor the Disciplinary Authority in this case and such a notice is only to harass the applicant.

4.4 As already observed, the impugned notice is a general notice and not meant for the applicant alone. It contains no reference to the applicant in particular in any manner. It is a circular/internal note, and not a notice as captioned. Therefore, the apprehension of the applicant is misconceived. Whether the Principal has powers of Disciplinary Authority or whether the action taken by him as the Disciplinary Authority is justified is being challenged by the applicant in a different OA.

5. In view of above discussions, this OA is without any merit and accordingly dismissed without any costs.


(J.K. KAUSHIK)

Member (Judicial)


(H.O. GUPTA)

Member (Administrative)