

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

3

(DESTRUCTION OF RECORD RULES, 1990)

C.P- 57/2001 order sheet pg-1
dismissed date-29/01/02

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 68/2000(T) OF 199

Applicant(s) Sri K.K.Singh

Respondent(s) Union of India & Ors.

Advocate for Applicant(s) Mr. R. K. Sharma

Advocate for Respondent(s) K.V.S.

Notes of the Registry	Date	Order of the Tribunal
<p>This transfer application has been received from the Hon'ble C.A.Tribunal(PB) vide order dtd. 17.12.99.</p> <p>Hence this is registered as on Original application.</p> <p>Laid before Hon'ble Court for further orders.</p> <p><i>Dr. Rajishan</i></p> <p><i>17/2/2000</i></p> <p>Copy of the order dated 10-3-2000 prepared and sent to D. Section for issuing of the same to the applicant and learned Adv. for the KVs.</p> <p><i>14-3-2000</i></p>	<p>21.2.00</p> <p>mk</p> <p>10.3.2000</p> <p>lm</p> <p><i>13/3/2000</i></p> <p>10.4.00</p> <p>mk</p>	<p>Counsel for the parties are not present. List on 10.3.00 for orders.</p> <p><i>62</i> Member</p> <p>The O.A. ^{has} came on transfer from Principal Bench. It is listed for Admission. Neither the applicant nor his counsel is present. List for Admission on 10.4.2000. Send copy of this order to the applicant as well as the respondents.</p> <p><i>82</i> Member(J)</p> <p><i>60</i> Member(A)</p> <p>Mrs. P. Baruah on behalf of Dr. B. P. Todi, learned counsel for KVS submits that the case is ready for hearing. To List it for hearing on 19.6.00.</p> <p>Inform the applicant in his address.</p> <p><i>62</i> Member</p>

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O.A. No. 68/2000(T)

Notes of the Registry	Date	Order of the Tribunal
	19.6.01	There is no Bench today. Adjourned to 6.9.01. 18/0 12.
	6.9.01	No Bench to be listed on 11.11.01. 17/0
	11-1-2001	On prayer of the advocate the case adjourned to 23.2.2001, 11/11 11/11
	21/10/1	Adjourned to 23.2.2001.
	23.2.01	By order 18/5. None appears for the applicant. Mr. P.K.Tiwari is holding the brief on behalf of Dr. B.P. Todi, learned standing counsel for the respondents. Heard Mr. P.K.Tiwari. Judgement dictated in the open court, kept in separate sheets. The application is allowed. No order as to costs.
5.6.2001 Copy of the Judgement has been sent to the Office for Registry Kept in the 1/5 application to the L/Advocate in the Respondent 18/5		
		Member Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./P.A. No. 68/2000(T). of

DATE OF DECISION 23.2.01

Shri K.K.Singh

PETITIONER(S)

Mr. R.K.Sharma.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. P.K.Tiwari on behalf of Dr. B.P.Todi,

ADVOCATE FOR THE
RESPONDENTS

Standing counsel for the K.V.S.

THE HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE Mr. K.K.Sharma, Member(A).

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 68 of 2000 (T).

Date of decision : This the 23rd day of February, 2001.

Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.

Hon'ble Mr. K.K.Sharma, Member (A).

Shri K.K.Singh,
C/o Ramjanam Singh
At Ngadolong Namrup
P.O. Parbatpur
Dist. Dibrugarh (Assam)

...Applicant

None appears for the applicant.

-versus-

1. The Commissioner of
Kendriya Vidyalaya Sangathan
17 B Indraprastha Marg,
New Delhi.
2. The Assistant Commissioner
KVS Regional Office
Silchar-788004.
3. The Chairman
Kendriya Vidyalaya
Management Committee
Namrup, P.O. Parbatpur,
Dist. Dibrugarh (Assam).
4. The Principal
Kendriya Vidyalaya
Namrup
P.O. Parbatpur -786623
Dist. Dibrugarh (Assam).

...Respondents

By Advocate Mr. P.K.Tiwari on behalf of Dr. B.P.Todi,
Standing counsel for the KVS.

O R D E R (ORAL).

CHOWDHURY J.(V.C.).

This application has been filed under Section 19 of the Administrative Tribunals Act 1985, assailing the legality of the order terminating the service of the applicant, who was serving as Laboratory Attendant on regular basis in Kendriya Vidyalaya, Namrup. The impugned order itself indicates that

b

the service of the applicant was terminated not by the Principal, the appointing authority on his own but seemingly at the direction of the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar. The applicant was appointed as Laboratory Attendant on regular basis on 1.5.1988 vide memorandum No. F/KVN/88-89/53 dated 1.5.88/7.5.88 and the applicant joined the post on 2.1.1988. It appears that his appointment was called for and the same was sent to the Assistant Commissioner vide communication dated 1.7.1988. By an order dated 17.8.1988 the Principal, Kendriya Vidyalaya, Namrup ordered the applicant to go on leave with effect from 18.8.1988 until further orders due to the turn of events engineered by the local AASU -an organisation of students. The service of the applicant was terminated by an order dated 14.9.1988 on the ground that his appointment was irregular. Hence the present application.

2. The respondents filed its written statement. In the written statement the respondents state that the appointment of the applicant was made in contrary to the Sangathan circular. It was also stated by the respondents in the written statement that in view of the appointment of the applicant a great resentment expressed by the All Assam Students Organisation. There was a pressure on the Principal and Vidyalaya Management Committee as well as the Kendriya Vidyalaya and also the Project Authority i.e. Hindustan Fertilisers Corporation Ltd., Namrup Unit as regards the appointment of the applicant. The situation deteriorated such extent that Principal of the KVS, Namrup was gheroaded on 18.8.1988 by the students union. Considering the pros and cons of the matter the Resident Chief Executive of the Hindustan Fertilisers Corporation Ltd. constituted an Enquiry Committee comprising the Chairman, Vidyalaya Namrup and CPO of Hindustan Fertilisers Corporation Ltd. The Committee resolved that the

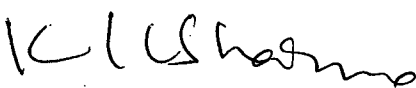
Contd..

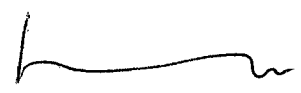
applicant should ask to go on leave so that the law and order situation was not disturbed in the Vidyalaya and the Assistant Commissioner was apprised of the fact. The Assistant Commissioner advised the Principal to terminate the service of the applicant and accordingly his service was terminated.

3. From the facts narrated above, it is thus clear that the applicant was terminated from service at the instance of some stranger body. The respondent No.4 mechanically exercised the discretion and act as per direction of the Assistant Commissioner, Regional Office, Silchar.

4. For the foregoing reasons stated above, the impugned order of termination issued under Ref . No. F.83/KVN/88-89/391 dated 14.9.88 cannot be sustainable accordingly the same is set aside. The respondents are directed to reinstate the applicant in service forthwith with full backwages. Mr. P.K.Tiwari, the learned counsel appearing on behalf of Dr. B.P.Todi, however submitted that the order of awarding full backwages would cause financial strain on the Respondents. Mr. Tiwary therefore submitted that on the principle of No Work No Pay the direction for back wages need to be rescinded. We, are not inclined to accept the submission of Mr. Tiwari, since we have found the purported termination order to be a patently arbitrary, discriminatory and unlawful.

5. The application is allowed. There shall, however be no order as to costs.


(K.K.SHARMA)
Member(A)


(D.N.CHOWDHURY)
Vice-Chairman

TA 30/98/PB

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.W.P. 288 of 1989

K.K. Singh

..... Petitioner

Vs

The commission of
KVS New Delhi & others

..... Respondents

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(12) *CM 220/83* 18-20
Drafted & filed by

New Delhi

(R K Sheoran)
Advocate

Dated: 16-10-1989

672



BEFORE THE HON'BLE DELHI HIGH COURT AT NEW DELHI 1989

C.W.P. 3088 of 1989

MEMO OF PARTIES

Sh. K.K. Singh
C/O Ramjanam Singh
At-Nagadolong Namrup
PO: Parbatpur
Distt: Dibrugarh (Assam)

..... Petitioner

Vs.

1. The Commissioner of
Kendriya Vidyalaya Sangathan 17-B Indraprastha Marg
New Delhi
2. The Assistant Commissioner
KVS Regional Office
Silchar-788004
3. The Chairman
Kendriya Vidyalaya
Management Committee
Namrup P.O: Parbatpur Distt: Dibrugarh (Assam)
4. The Principal
Kendriya Vidyalaya
Namrup
PO: Parbatpur-786623
Distt: Dibrugarh (Assam)

..... Respondents

ADVOCATE FOR THE PETITIONER

Dated 16-10-1989

NKS
(R.K. SHEDRAN)
Adv

10

99 29 89 52/-
old to K.K. Suresh
also C/o R.K. Sheoran Adv. L. Chulsi 14 Patralekhorin
In favour of ...
MD

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FILED TODAY
Filing No. ...
23 OCT 1989
Deputy Registrar

WRIT
R.K. Sheoran Adv.
Signature of ...
Lal, Stamp Vendor,
No. 255 Delhi High Court
gh 29-9-89 hl

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FILED TODAY
No. ...
16 OCT 1989
Deputy Registrar

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.W.P. 3e88 of 1989

K.K. Singh Petitioner

Vs.

The Commissioner of
KVS New Delhi & others Respondents

Chronological statement of necessary facts:


1. That the petitioner was appointed as teacher on an adhoc employee in Kendriya Vidyalaya Namrup from 3.2.1986 to 30.4.1988.
2. That therebeing two vacancies of Lab-Attendant in K.V. Namrup, a memorandum for offer of appointment of Lab-Attendant on regular basis wef 1.5.88 was issued to the petitioner by the Principal of K.V. Namrup on 1.5.88/7.5.88.
3. That the petitioner filed an application dated 2.5.88 to the Principal of K.V. Namrup and requested him for joining of his duty and his application accordingly had been accepted and he was allowed to join his duties on 2.5.88.
4. ~~The~~ That the name of the petitioner was recommended to the Chairman for the post of Lab-attendant by the Principal of K.V. Namrup on 5.5.88.
5. That the date of appointment of the petitioner had been communicated to the Asstt. Commission of K.V. Sangathan Regional office, Silchar by the principal of K.V. Namrup vide his letter No.F-83/KVN/88-89/136 dated 1.7.88.

6. That the services of the petitioner has been terminated vide K.V.Namrup letter No F-83/KVN/88-89/391 dated 14.9.88.
7. That a memorandum advising the petitioner to proceed on leave for further order was issued by the Principal of K.V.Namrup vide No F-83/KVN/88-89/265 dated 17.8.88.
8. That the petitioner applied for the copies of all the letters, concerning his termination of service to the Chairman of V.M.C. K.V. Namrup on 14.10.88.
9. That the petitioner made representation against his termination of service to the Commissioner of K.V.Sangathan New Delhi on 22.9.88 with a copy to the Asstt.Commissioner K.V.S. Regional office Silchar and the Principal of K.V. Namrup with a request to re-instate him in service.
-

Advocate for the petitioner

New Delhi

Dt:22.10.89


(R K. Sheoran)
Advocate

-28-

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IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.W.P. 3088 of 1989

Sh. K.K. Singh
C/O Ramjanam Singh
At-Nagadolong Namrup
PO: Parbatpur
Distt: Dibrugarh (Assam)-786623

.....Petitioner

Vs

1. The Commissioner of
Kendriya Vidyalaya Sangathan 17-B Indraprastha Marg
New Delhi
2. The Assistant Commissioner
KVS Regional Office
Silchar-788004
- ③ The Chairman
Kendriya Vidyalaya
Management Committee
Namrup, P.O: Parbatpur Distt: Dibrugarh (Assam)
4. The Principal
Kendriya Vidyalaya
Namrup
PO: Parbatpur-786623
Distt: Dibrugarh (Assam)

..... Respondents

Writ petition under Article 226/227 of constitution
of India for quashing the impugned order dated 14.9.88
passed by the Assistant Commissioner K.V.S. Silchar
Region and Chairman Vidyalaya Management Committee
K.V. Namrup.

To

THE HON'BLE CHIEF JUSTICE AND HIS
COMPANION JUDGES OF THE DELHI HIGH COURT
AT NEW DELHI

MOST RESPECTFULLY SHOWETH:

1. That the petitioner served as teacher from
3.2.1986 to 30.4.1988 in Kendriya Vidyalaya Namrup (Assam)
as per K.V. Namrup letter No F.6/KVN/88-89/608 dated
23rd Dec, 1988, which is attached herewith as Annexure 'A'.

2. That after introducing +2 stage in Science stream
in the Vidyalaya, two vacancies of Lab-Attendant were existed

.....2/-

Annexure 'A'

in the same vidyalaya and at that time services of the petitioner as teacher were terminated and he was advised by the Principal of the vidyalaya to apply for the post of Lab-Attendant. The name of the petitioner was also recommended for the post of Lab-Attendant to the Chairman Vidyalaya Managing Committee Namrup vide his letter No - dated 5.5.88 and it was agreed to by the Chairman, as endorsement made on the same letter which is attached herewith as Annexure 'B'.

Annexure 'B'

3. That the petitioner received the memorandum No F/KVN/88-89/53 dated 7.5.88 of offer for the appointment of Lab-Attendant issued by the Principal of KV Namrup and the same offer was accepted by the petitioner accordingly which is attached herewith as Annexure 'C'.

Annexure 'C'

4. That the petitioner was forced to proceed on leave wef 18.8.88 till further order vide KVN No F83/KVN/88-89/265 dated 17.8.88. The same is attached herewith as Annexure 'E'.

Annexure 'E'

5. That the petitioner was appointed as Lab-Attendant wef 2.5.88 vide KV Namrup letter No F.83/KVN/88-89/136 dated 1-7-88, which is attached herewith as Annexure 'D'.

Annexure 'D'

The petitioner served as Lab-Attendant from 02-5-88 (FN) to 14-9-88 with the excellent performance, but without giving any notice, the petitioner's services have been terminated vide KV Namrup letter No F.83/KVN/88-89/391 dated 14.9.88.

Annexure 'F'

The same is attached herewith as Annexure 'F'.

6. That the petitioner made a representation to the Commissioner of Kendriya Vidyalaya Sangathan New Delhi on 22.9.88 with a copy to all respondents, but no reply has so far been received by the petitioner in connection with the his termination orders. The same is attached herewith as Annexure 'G'.

Annexure 'G'

7. That the impugned order dated 14-9-88 passed by the Asst Commissioner of K.V. is legally untenable and liable to be set aside on the following grounds:-

GRUNDS

- (A) That the termination order passed by the respondents No 2,3 &4 is arbitrary and unconstitutional.
- (B) That the services of the petitioner has been terminated without issuing of show cause notice and without any plausible reasons.
- (C) That the impugned order has been passed without taking into consideration the principles of natural justice.
- (D) That the impugned order is bad in the eye of law and based on the extraneous consideration.

8. That there is no efficacious remedy available to the petitioner to redress his grievances except by way of the present petition.

9. That there is no unreasonable delay in filing of the present petition. and this Hon'ble court has jurisdiction

10. That no such or similar petition has been filed by the petitioner in this Hon'ble court or Supreme court of India.

It is therefore prayed respectfully that your Lordships may kindly be pleased:-

- (a) to allow the petition with cost.
- (b) to set aside the impugned order passed by the Assistant Commissioner of K.V. Silchar region and respondent No 1 & 2 may be directed to re-instate the petitioner in the post of Lab-Attendant wef 14.9.88. with full pay & allowances.
- (c) Any other relief which this Hon'ble court deems fit may also be allowed to the petitioner.

Krishna Kant Singh
Petitioner

Through counsel

R K Sheoran
(R K Sheoran)

Advocate

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.W.P. _____ of 1989

Sh. K.K. Singh Petitioner

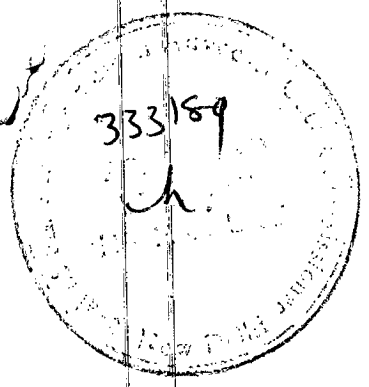
Vs.

The Commissioner of
KVS New Delhi and others Respondents

Petition under article 226/227 of Constitution
of India for quashing the impugned order dated
14.9.88 passed by respondent No.2.

Affidavit

I K.K. Singh S/O Sh. P.L. Singh aged about
28 years R/O C/O Ram Janam Singh At Nagadolong Namrup
PO: Parbatpur Distt: Dibrugarh (Assam), do hereby state
on solemn affirmation that the accompanying application/
petition has been drafted at my instance and under my
instructions. It has been read by me and the facts
mentioned in paras 1 to 10 of the same are true to the
best of my knowledge and belief.



Krishna Kant Singh
Deponent

I solemnly affirm and declare that this
affidavit of mine is true, no part of this is false
and nothing material has been concealed therefrom.

Verified at New Delhi this 16th day of
October 1989.

I identify the deponent who
has signed in my presence

Mr. S. A. Ch.

CERTIFIED THAT THE DEPONENT
Sh. K.K. Singh
S/O Sh. P.L. Singh
Identified by *R.K. Srivastava Advocate.*
New Delhi on 16/10/89
Signature *Soramjeet Singh*
Oath Commissioner, New Delhi
16.10.1989

Krishna Kant Singh
Deponent

17

2

C.W.P. 1989

..... Petitioner

Vs.

..... Respondents

Deponent

I the above deponent solemnly affirm and

Verified at New Delhi this 16th day of

I Identify the deponent who
has signed in my presence

MA

My presence
M. J. J.
Det.

CERTIFIED THAT THE ENCLOSED

Sgt. K. K. Singh

Sgt. B. L. Singh

Sgt. R. K. Singh

16/10/89

for my self

Oath Commission, New Delhi

Deponent

11 6 OCT 1989

Annexure 'A'

KENDRIYA VIDYALAYA
(Central School)

Namrup P.O. Parbatpur
Distt. Dibrugarh Pin-786623
(Assam)

Ref No. F.6/KVN/88-89/638

Dated: Dec.23rd . 88

TO WHOM IT MAY CONCERN

It is certified that Mr.Krishna Kant Singh S/O
Sh. B.L.Singh served in this Vidyalaya as an adhoc employee
in various posts for three academic sessions. The detailed
period of his experience is given below.

From 03.02.86 to 30.04.86 as TGT (Maths)
28.07.86 to 22.01.87 as WET
24.01.87 to 30.04.87 as TGT (Maths)
09.07.87 to 29.10.87 as PRT
09.11.87 to 30.04.88 as Lab. Asstt.

He is an able and well informed teacher. During
this period he has shown good moral character and excellent
performance.

I wish him best success in life.

(K.P. CHAMOLA)

For, Principal,
Kendriya Vidyalaya, Namrup.

Attested to be

/ True copy ¼

NK Singh

Adv

To,

The Chairman
VMC K.V. Namrup

5.5.88

Subject: Appointment of Lab.Attendants.

Sir,

That is to bring to your kind notice that after introducing +2 stage (in science stream) in Vidyalaya two more Lab.Attendants are required for running the science practicals and classes effectively.

As per existing provisions the Lab.Attendant may be appointed from among the working group 'D' employee of the Vidyalaya is more qualified, experienced and senior most among group 'D' employees. So it is recommended that Mr. G.Gogoi may be appointed as Lab. Attendant in the pay scale of Rs.775-950 on regular basis, in Biology Lab.

Further, we had appointed one Mr. K.K. Singh (on adhoc basis) in last session to run the science practicals as well as some other classes in science subjects. He is an B.Sc and registered candidate in local Employment Exchange being a quite experienced Mr. Singh may be preferred for the second post of Lab.Att. in physics.

It is therefore requested that his services against the post of Lab.Att. may be regularised from 1.5.88 in the interest of Vidyalaya and students.

Thanking you,

Yours faithfully,

Appointment
ordered be
issued.

Sd/Dr. N.N. Mishra
Principal K.V. Namrup

Sd/-Dr.N.N. Mishra
Principal

I agree with the proposals.
Orders be issued accordingly.

Sd/-D.K.Chalihe
Chairman,
Kendriya Vidyalaya
Management Committee
Namru.

Attested to be

Principal KVN.

/True copy/

Ack

Mishra

Annexure 'C'

KENDRIY VIDYALAYA : NAMRUP

P.O. Parbatpur 786623 Dist. Dibrugarh: Assam

Ref.No. F./KVN/88-89/53

Date 1-5-88

.....
7-5-88

MEMORANDUM

Subject: Offer of appointment of Lab.Attendant.
on regular basis wef. 1.5.88

1. With reference to his application dt
Shri K.K. Singh is offered the post of Lab.Attendant on regular basis at Kendriya Vidyalaya Namrup, in the pay scale of Rs.775-950 with usual allowances. This offer of appointment is subject to the candidate being declared fit the post by a Civil Surgeon.
2. No TA/DA will be admissible for joining the Vidyalaya as Lab.Attendant.
3. The candidate will be on probation for a period of 2 years which may be extended further. On successful completion of probation he will be confirmed on the basis of availability of permanent vacancies.
4. During probation and thereafter until he is confirmed on either side without any reason being assigned therefore. The appointing authority however reserves the right to terminate the service of the appointee, before the expiry of the stipulated period of notice by making payment of a sum equivalent to the pay and allowance for the period of notice or the unexpired portion thereof.
5. Other terms and condition of service governing the appointment are as laid down in the Education Code for K.V. as ammended from time to time. He will be liable to transfer any where in India. Initially he is posted as Lab-Attendant at K.V. Namrup.
6. In case any dispute or claim against the Sangathan in respect of service or any contract arising out of following

from this appointment the Court of Delhi alone shall have the jurisdiction.

7. The candidate should sign an agreement to the effect that he will not request for transfer within three years from the original place of posting.

8. If he accepts the offer on the terms and conditions stipulated he should send his acceptance immediately otherwise the offer will be treated as cancelled and no further correspondence will be entered to him.

9. The candidate should produce all original certificates at the time of reporting.

Sd/-Dr. N.N.Mishra
Principal.
Kendriya Vidyalaya Namrup.

To,

Shri K.K. Singh
Kendriya Vidyalaya Namrup
Nagadolong Namrup.

Copy to: The chairman,
VMC, Kendriya Vidyalaya, Namrup.

Sd/- Dr. N.N. Mishra
Principal,
Kendriya Vidyalaya, Namrup.

/True copy/


Adm

Annexure-'D'

KENDRIYA VIDYALAYA : NAMRUP

P.O. Parbatpur
Dist. Dibrugarh
Pin: 786623

Ref.F.83/KVN/88-89/136

Date. 1/7/88

To

The Asstt. Commisniener
Kendriya Vidyalaya Sangathan
Regional Office
Silchar 788004
~~Silchar~~

Subject: Appointment.

Sir,

As per our School record Shri K.K. Singh joined his duty as Lab-Attendant in this Vidyalaya on 02.5.1988 (F.N.). His appointment to this post was made by my predecessor Dr. N.N. Mishra (Transferred to K.V.Chemoli, Allahabad) and the Chairman, VMC (Late) Shri D.K. Chaliha.

Copies of appointment proceedings his appointment letter and joining report are enclosed herewith.

This is with reference to the Regional Education Officer (Shri T.N. Goswami) letter No.F.1-1/83-KVS(SR)/2936 dated 20.6.88.

Thanking you.

Yours faithfully.

Sd/x x x
(R.K.Yadav)
Principal

KV Namrup

Attested to be

/True copy/

[Signature]

Adv

23

- 11 -

Annexure-'E'

Kendriya Vidyalaya Namrup
P.O. Parbatpur. 786623
Distt. Dibrugarh Assam.

Ref.No.F83/KVN/88-89/265

Date : 17-8-88

MEMORANDUM

Keeping in view the circumstances in which you were appointed a Lab.Attendant on regular basis wef. 2.5.88 and the situation that has developed subsequently it has been decided by the Chairman, VMC, Kendriya Vidyalaya Namrup to ask you to go on leave w.e.f. 18.8.88 till further orders.

Sd/x x
(R K YADAV)

Principal,
Kendriya Vidyalaya, Namrup

To,

Sh. K.K. Singh
Lab.Attendant.
Kendriya Vidyalaya Namrup

Copy to: Chairman, VMC.

Kendriya Vidyalaya, Namrup.

Attested to be

/True copy/

Nygn

Belv

Annexure-'F'

Ref.No.F.83/KVN/88-89/391

Kendriya Vidyalaya Namrup.
P.O. Parbatpur 786623
Distt. Dibrugarh Assam
Date 14.9.88

MEMORANDUM

As per instructions of the Assistant Commissioner Kendriya Vidyalaya Sangathan, Silchar Region and the Chairman Vidyalaya Management Committee, Kendriya Vidyalaya, Namrup service of Shri K.K. Singh Lab.Attendant are hereby terminated with immediate effect on the ground that his appointment was irregular.

(Sd/ x x
(R K. YADAV)
Principal,
Kendriya Vidyalaya, Namrup.

To.

Shri K.K. Singh
Nagadolong.
P.O.Parbatpur 786623
Distt. Dibrugarh: Assam.

- Copy to : 1. The Assistant Commissioner,
KVS Silchar Region with ref.to his telegraphic
message to the Chairman VMC,Kendriya Vidyalaya
Namrup.
2. The Chairman, VMC, KV Namrup with ref to his
letter No. II/IE 45/Chairman/KV 01/2918.

Sd/ R.K. YADAV)
Principal.
Kendriya Vidyalaya, Namrup

Attested by

/True copy/

M/S
Delr

Annexure-'E'

To

The Commissioner of
Kendriya Vidyalaya Sangathan N
New Delhi

Subject: Representation against termination of my service
by the Chairman/Management of Kendriya Vidyalaya
Namrup Distt: Dibrugarh (Assam).

Sir,

Most humbly and respectfully I beg to submit the
following few lines for your kind consideration and favourable
action please.

1. That I served as teacher on Adhoc basis tenure from
3rd Feb, 1986 to 23rd Aug 87 in the Kendriya vidyalaya Namrup
in Distt: Dibrugarh (Assam) and later on my services as teacher
were terminated and I was advised to apply for the post of
Lab-Attendant and accordingly I applied for the post of Lab-
Attendant. ~~and~~ Between this period I also served as Lab-Asst.
for about 10 months in the same School.

2. That my application for the post of Lab-Attendant
was considered by the Management and I was accordingly
appointed as Lab-Attendant on regular basis wef 2.5.1988.

3. I served regularly upto the Summer vacation. After
summer vacation when the school re-open, I went to the School
I saw that some students of this school are against me and
they were bent upon to assault me without any reason or fault
of mine and non of the school staff came to save me and to
control these students.

4. Keeping in view of the attitude of these students and
the staff of the school I took 10 days Medical leave. After
expiry of my leave I again joined the school and produced my
medical certificate. The Management asked me to get the
medication certificate countersigned by the C.M.O. (H.P.C,
Namrup). It took me four days in getting the said medical
certificate countersigned by the (C.M.O. H.P.C. Namrup).

5. On 17.8.88 V.M.C, K.V Namrup held a meeting and decided that Shri K.K. Singh should not be allowed to do his duties in the school and a letter to this effect was also issued to me by the principal of kendriya vidyalaya Namrup.

6. That on receipt of letter from the principal of K.V. Namrup, it was great surprise to me that without any fault from my side, the principal and the Management of the said school issuing me such letter and not allowing me to attend my duties.

7. It is submitted that I spent most valuable part of my life (near about three years) after my graduation with a hope to get a regular job in K.V. Namrup and as such I did not try to get another job. Now I am overage for almost all the other services, in other departments.

8. After that I was sent on leave forcibly by the principal of K.V. Namrup wef 18.8.88 till further order. It was the great injustice with me which the management has done. I obeyed the order of the principal and went on leave.

9. Now I come to know that my services have been terminated by the Management without any fault of mine and without giving me any show cause notice in connection with termination of my services.

10. It is submitted that I served honestly as Lab-Attendant and with the entire satisfaction of the Management and always remained loyal towards my duties and school. It is also submitted that I have never been involved in any disciplinary case during the tenure of my service.

In view of the above facts and circumstances, it is requested that my services as Lab-Attendant may kindly not to be terminated without any fault of mine and the authorities concerned may kindly also be ordered to re-instate me in service with effect from the date, the order for termination of my service passed by the Management.

-3-

If the Management is facing any difficulty in adjusting me in the said school, then I may be posted to any other kendriya vidyalaya for which I am ready to serve in another kendriya vidyalaya in the state.

Keeping in view the matter unemployment and financial back grounds of my family I once again pray for your kind honour that my services may not be terminated at this stage.

Thanking you.

Yours faithfully,

Sd/ x x x

(Krishna Kant Singh)
S/O Sh. B.L. Singh R/O C/O
Ramjanam Singh at Naga Dolung
Namrup
PO: Parbatpur
Distt: DIBRUGARH (ASSAM)
Pin: 786623

Dated: 22.9.1988

Copy to:

1. The Assistant Commissioner
K.V.S. Regional Office Silchar. X
2. The Principal of
K.V. Namrup X With a request
PO: PARBATPUR. X for similar
Distt: Dibrugarh (Assam) X action please.
Pin- 766623 X

Attested to be

/True copy/

Mr. Singh
Bel

K K Singh

.... Petitioner

Vs.

The Commissioner of
KVS New Delhi & others Respondent

Next date of hearing: 13.12.90

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Ser No	Particulars	Pages/court fee
1.	Affidavit dated 01-10-1990	1 & 2

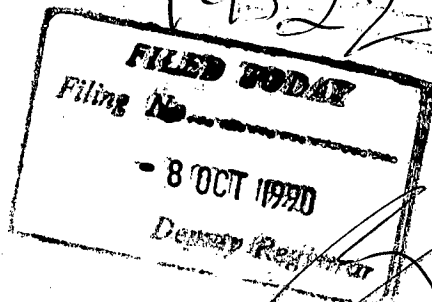
Drafted & filed by

New Delhi

Dated: 01-10-90

(R K Sheoran)

Advocate



C.W.P. 3088/89

29

K.K. Singh

..... Petitioner

Vs.

The Commissioner of KVS & Others ... Respondents

Next date of hearing: 13-12-1990

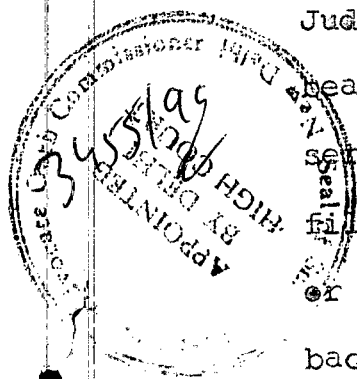
Petitioner u/a 226/227 of Constitution of India
for quashing the impugned order dated 14.9.89
passed by the Respondent No.2.

AFFIDAVIT

I R K Sheoran Advocate s/o Late Sh. Rajmal
Ch. No 14 Patiala House Courts New Delhi, do hereby
solemnly affirm and declare as under:-

1. That I am new in the profession. I joined,
only recently after retirement from the Army.
2. That in the above said matter I had filed process
fee alongwith a copy of the said writ petition and the
concerned officer got the same dispatched to the District
Judge Dibrugarh (Assam) under a Registered letter being
bearing docket No. 12947/W dated 24-7-90, to be further
served upon to Respondent No 3. I have inspected the
file on 28.9.90 and have found that the acknowledgement
or the original Register letter have not been received
back in this hon'ble court.
3. That on the last date of hearing ie on 24.9.90
when an enquiry was made from me by your Lordships
about the service to Respondent No 3, as there is no
record held to this effect in the court file. I could
only understood that as to whether the process fee and
other things for the notice to Respondent No.3 have
been filed or not. On this understanding I committed
before your Lordships that the same has been done, but
I never mentⁿ the service has already been effected to

.....2/-



Respondent No.3. I further submit before your Lordships that I was under the impression that your Lordships is³⁰ asking me about my course of action ie filing of process fee etc. in connection with the service of Respondent No.3, which I have already done.

I solemnly affirm and declare that the facts stated from paras 1 to 3 of this affidavit of mine are true and correct and no part of this is false and nothing has been concealed therefrom.

New Delhi

Dated: 01-10-90

Verification:

I the above said deponent verify that the contents of this affidavit are true and correct to the best of my knowledge and belief.

N K Seem
Deponent

N K Seem
Deponent

CERTIFIED THAT THE DEPONENT
Sbri..... *AK Shleerani*
S/o Sh..... *Lals & Rajm...*
Identified by Sb..... *Seal*
has solemnly affirmed before me at
New Delhi on..... *1/10/90*
that the contents of the affidavit
which have been read over & explained to
the deponent & correct to his knowledge.
For my use
Commissioner New Delhi
- 1 OCT 1990

32

11

11-93

(early hearing)

in 3088/89

5/6

Sh KK Singh

Commissioner of KVS Haridwar

- ① Copy should be served on the other side.
 - ② Application should be supported by an affidavit.
- might be returned to be signed within a week.

29/9/93

AK

am

21/7/93

6260 Sir,

The application for early hearing is resubmitted herewith duly rectified.

83

AK

① Applicant Advocate
Shri K. K. Singh
01-03-93
in both sets. might be
sent to the court with
a week.

P.T.O.

AK
P.T.O. 21/7/93

4-3-93

Mr.

Can 288/89

early
12/1

77

Resubmitted
duly rectified.

My Advocate
4-3-93

objection removed
Application is in order

might be sent Can 288/89 and should
be before the Court for order
on 4-3-93

~~DR (J)~~

for

16/3/93

works

Amal

5/8/93

Rule

Last order
passed by Hon'ble
Chief Justice & Sd. J.
on 19-11-91.

Bahari, J.

6-3-93

U.P.C.

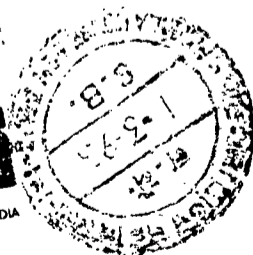
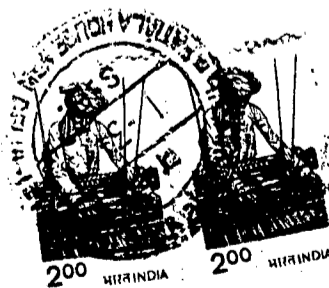
33

(1) The Commission of
Kendriya Vidyalaya
Sanghām - 17B Gndera prastha Marg
New Delhi

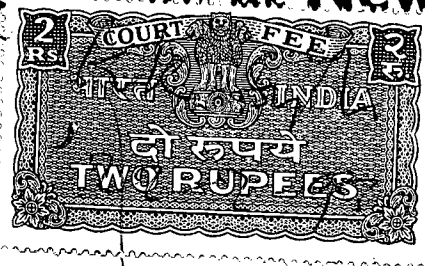
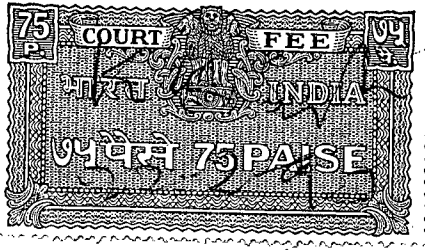
(2) The Assistant Commissioner
KRS Regional Office
SILCHAR-1.

(3) The chairman
Kendriya Vidyalaya
Management Committee
Namrup
P.O. Parbatpur
Distt: Dibrugarh (U.P.)

(4) The Principal
Kendriya Vidyalaya
Namrup
P.O. Parbatpur - 78623
Distt: Dibrugarh (Assam)



In the High Court of Delhi at New Delhi



Case No. C.W.P. 3088/89 of 19

Handwritten signature

Sh. K.K. Singh Plaintiff/Appellants/Petitioner

VERSUS

The Commissioner of
KVS New Delhi & others Defendant/Respondent

To
The Deputy Registrar.
HIGH COURT OF DELHI
NEW DELHI.

5/59 *5/61*

Sir

Will you kindly treat the accompanying application and urgent one in accordance with the High Courts Rules and Orders.

2. The grounds of urgency are :-

That the applicant is unemployed since the date of his termination of service i.e. wef. 14-9-1988.

Yours faithfully,
Advocate *[Signature]*
For the Petitioner

NEW DELHI.

Address

Dated : 22-2-93 R k Sheoran

22-2-93

Price 50 Paise only

Advocate
ch. No 455
Patiala House
Court New Delhi

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.W.P. 3039/89 of 1989

Admitted on : 19-11-91

K.K Singh Petitioner

Vs.

The Commissioner of
KVS New Delhi & others Respondents

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Sr No.	Particulars	Page	court fee
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1.	Application for early hearing dated 22-2-93.	1 and 2	
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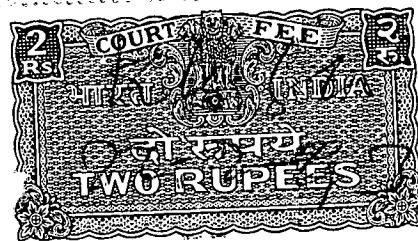
New Delhi

Dated: 22-2-93

Counsel for the petitioner


(R K SHEKHAR)

Advocate



18
36

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

Writ
C.W.P. 3086/89 of 1989

Writ admitted on : 19-11-1991

K.K Singh Petitioner

Vs.

The Commissioner of KVS & Others.....Respondents

APPLICATION FOR EARLY HEARING *15/11/91*

PLEASE YOUR LORDSHIPS

1. That the petitioner was employed as teacher in Kendriya Vidyalaya Namrup (Assam) on 3-2-1986, on adhoc basis and served there from 3-2-86 to 30-4-88, as an adhoc employee.
2. That there being two vacancies of Lab-Attendant a memorandum for offer of appointment of Lab-attendant on regular basis wef 1-5-88 was issued by the respondent No.4 and the applicant applied for the same post.
3. That the application of the applicant had been accepted by the respondent and he was asked to join his duty on 2-5-1988 and the applicant accordingly joined the duty with all other conditions such as that the applicant will be on probation for a period of 2 years as per the condition of the appointing authority which were laid down in the appointment letter.
4. That on 14-9-88, the services of the applicant had been terminated on the grounds that his appointment was irregular.
5. That aggrieved from the impugned order of the respondent, the applicant filed a writ petition before, this hon'ble court on 23-10-89.

That
6.

That this hon'ble court has been pleased to pass an order for filing an application for early *hearin*

.....2/-

11937

and admitted the writ petition on 19-11-91.

7. That it is submitted that services of all 4 respondents have been done.

GROUND

(A) That since the date of termination of service of the applicant, the applicant is unemployed.

(B) That the applicant is the only earning member of his family and there is no other source of income of the applicant except his service.

(C) That the applicant was fully qualified for the said job and nothing was adverse remarks against the applicant.

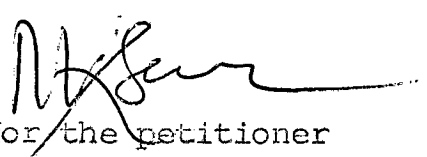
(D) That the termination of service of the applicant is absolutely irregular and not maintainable in the eye of law.

It is therefore, prayed that order for early hearing of the said writ petition, in view of the facts and circumstances mentioned above, may kindly be passed.

It is prayed accordingly.

New Delhi

Dated: 22 Feb, 1993


Counsel for the petitioner

(R. K. SHEORAN)

Advocate

2038

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.W.P. 3088/89 of 1989

Admitted on 19-11-91

K K Singh

..... Petitioner

Vs.

The Commissioner of KVS
New Delhi & Others

..... Respondents

AFFIDAVIT

I R K Sheoran, Advocate S/O Late Sh. Rajmal R/O ch. No 455
H.No. 1974 Sec 37 NOIDA, Counsel for the petitioner
do hereby solemnly affirm and declare as-under that
the accompanying application for early hearing has
been prepared at the instance of the applicant and
the contents of para No. 1 to 7 are correct and true
to the best of my personal knowledge and belief and
nothing has been concealed there from.

New Delhi

Dated: 01-3-93


Deponent

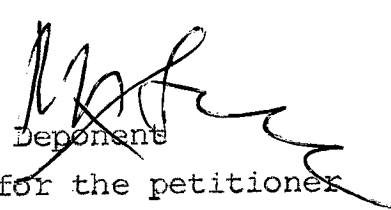
Counsel for the petitioner

Verification:

I the above said deponent verify that the contents
of this affidavit are correct and true to the best
of my knowledge and belief and nothing has been
concealed therefrom.

Certified that the Deponent
Sh. R. K. Sheoran, Advocate
S/o Sh. Late Sh. Rajmal
R/O H.No. 1974 Sec 37 NOIDA
identified by self.....
has solemnly affirmed before me at
New Delhi this 1st day of Mar 1993
that the contents of the affidavit
which has been read over and
Explained to him is true and
correct to his knowledge.


Oath Commissioner New Delhi


Deponent
Counsel for the petitioner

The deponent who has signed
of put thumb impression is identified by self



C M ~~6287~~ 24

m. av 3088/89

1C:1C Dwyb

Com of the V.S.

1725 ✓

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appli' center

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to be upled with
week

Layman
9.8.79

~~Am~~

Am

1078724

II. Sir,

1725

The application for early hearing is
re-submitted herewith duly
rectified.

My Sen
Advocate
11-8-96

2-1
40

Cm b →
in CW 2088/89

R12CP)
on 8/8/94

depleted have
been removed my Mr
Cm b 94
in CW 2088/89 and in
listed for 12-8/84

17835

Sanica Moller

Amos
10-8/84

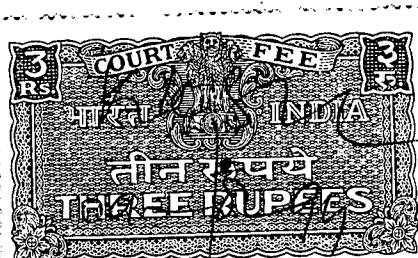
Amos
11/8/84

Rule
order passed by Attn
Jaspal Singh
on 8/8/84

11-8-84

3
11/8

Jaspal Singh
on 11-8/84



In the High Court of Delhi at New Delhi

To
The Deputy Registrar.
HIGH COURT OF DELHI
NEW DELHI.

Case No. C.W.P. 3088/89 of 19

Sh. K.K. Singh Plaintiff/Appellants/Petitioner

VERSUS

The Commissioners of R.V.S. Defendant/Respondent

Sir,

Will you kindly treat the accompanying application and urgent one in accordance with the High Courts Rules and Orders.

1. The grounds of urgency are :-

The applicant is unemployed since the date of his discharge.

1725

Yours faithfully,

[Signature]

Name... R.K. SHEDRAM

Address... Ch. No. 455

Patiala House
Court New Delhi

Advocate

NEW DELHI.

Dated : 09-02-94

Price 50 Paise only

42

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.WP. 3088/89 of 1989

Admitted on 19-11-1991

K K Singh

..... Petitioner

Vs.

The Commissioner of
KVS New Delhi & Others

..... Respondents

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New Delhi

Dated: 09 Aug 94


Counsel for the petitioner

(R K SHEORAN)

Advocate

~~3694~~

3634



21/13

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.W.P 3088/89 of 1989

Writ admitted on: 19-11-1991

K K Singh

..... Petitioner

Vs.

The Commissioner of KVS
NEW DELHI & others

..... Respondents

APPLICATION FOR EARLY HEARING U/S 151 C.P.C.

PLEASE YOUR LORDSHIPS

1. That the petitioner was employed as teacher in Kendriya Vidyalaya Namrup (Assam) on 3-2-1986, on adhoc basis and served there from 3-2-86 to 30-4-88, as an adhoc employee.
2. That there being two vacancies of Lab-Attendant and a memorandum for offer of appointment of Lab-Attendant on regular basis wef 1-5-88 was issued by the respondents No.4 and the applicant applied for the same post.
3. That the application of the applicant had been accepted by the respondent and he was asked to join his duty on 2-5-1988 and the applicant accordingly joined the duty with all other conditions such as that the applicant will be on probation for a period of 2 years as per the condition of the appointing authority which were laid down in the appointment letter.
4. That on 14-9-88, the services of the applicant had been terminated on the grounds that his appointment was irregular.

....2/-

22-4

-2-

5. That aggrieved from the impugned order of the respondents, the applicant filed a writ petition before, this hon'ble court on 23-10-1989.

6. That this hon'ble court has been please to pass an order for filing an application for early hearing after admitting the writ petition on 19-11-91.

7. That it is submitted that services of all 4 respondents have been done.

GROUNDS

(A) That since the date of termination of service of the applicant, the applicant is unemployed.

(B) That the applicant is the only earning member of his family and there is no other source of income of the applicant except his service.

(C) That the applicant was fully qualified for the said job and nothing was adverse remarks against the applicant.


(D) That the termination of service of the applicant is absolutely irregular and not maintainable in the eye of law.

It is therefore, prayed that order for early hearing of the said writ petition and setting aside the impugned order and issue of directions to the respondents as prayed for in original petition may kindly be passed under the facts and circumstances, as mentioned above to meet the end of justice.

It is prayed accordingly.

New Delhi

Dated: 09 Aug 94


Counsel for the petitioner

(R K SHEORAN)
Advocate

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.W.P. 3088/89 of 1989

Admitted on 19-11-91

K K Singh

..... Petitioner

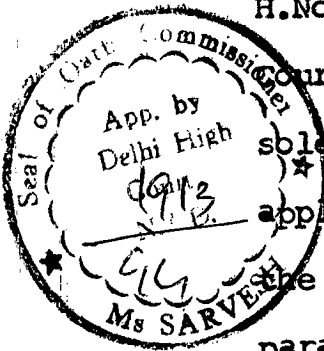
Vs.

The Commissioner of KVS
New Delhi & Others

..... Respondents

AFFIDAVIT

I R K Sheoran, Advocate S/O Late Sh. Rajmal R/O
H.No. 1974 Sec 37 NOIDA, Ch. No. 455 Patiala House
Court New Delhi, counsel for the petitioner do hereby
solemnly affirm and declare that the accompanying
application for early hearing has been prepared at
the instance of the applicant and the contents of
para No. 1 to 7 are correct and true to the best of
my personal knowledge and belief and nothing has been



I identify the deponent who has
signed/put T. I. in my Presence
concealed therefrom.
New Delhi

Dated: 09 Aug 94

[Signature]
Deponent
Counsel for the petitioner

Verification:

I the above said deponent verify that the contents

certified that the deponent..... of this affidavit are correct and true to the best

Shri R. K. Singh of my knowledge and belief and nothing has been

S/o Sh. Rajmal R/O concealed therefrom.

R/o *[Signature]* at *[Signature]*

[Signature]
Deponent
Counsel for the petitioner

Counsel for the petitioner

9 AUG 1994
9 AUG 1994

UPC

- ① The Commissioner of KV's
New Delhi
- ② The Assistant Commissioner
KV's Regional Office
Silchar
- ③ The Chairman KV
Management Committee
Namrup PO, Parbatpur
Distt: Dibrugarh (Assam)
- ④ The Principal of
KV Namrup
PO: Parbatpur
Distt: Dibrugarh (Assam)



R/K (P)
02/12/88
31-5-88

EH

47

S.C.P. / R.A. / C.M. / C.R.M. 7878 / 99 in 99

CW 3088/89

R. K. Singh Petitioner

VERSUS

Commr. of R/S. New Delhi 208
Respondent

21223
The application / petition being in order may be
registered as R.A. / C.M. / C.R.M. / 99 in
W 3088/1989
listed before Court / J.R. on 2-7-99.

D.R. (Listing) 5/8

full case (Smatter)

Last order passed by
Jes Paul Singh on 19/8/89

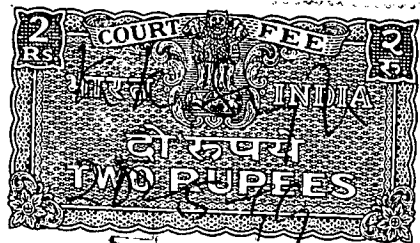
on 21/7/89

Am. N.G. vandi, J.

28/7/89

~~Ram Lal Singh J. 9-7-99~~

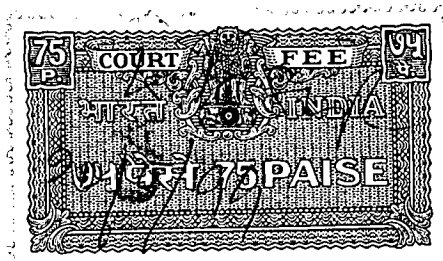
~~3-7-89~~



48

IN THE HIGH COURT OF DELHI AT NEW DELHI

To,
The Deputy Registrar
Delhi High Court of Delhi
New Delhi



Case No.....of 19

CW 3088/89

.....*k k Singh*.....Plaintiff/Appellants/Petitioner

VERSUS

.....*The Commissioner of K.V.S. & others*.....Defendant/Respondent

Date of Hearing of decision if any.....*Admitted on 19-11-91*

2/223

Sir,

Will be you kindly treat this accompanying his application as an urgent one in accordance with the High Court Rules & Orders.

1. The grounds of urgency are :-

The petitioner is unemployed since the date his services has been terminated. It is also submitted there is no other source of income.

NEW DELHI.

Address

Yours Faithfully

MR Singh
Advocate

For the Petitioner/
Respondent *Dehr*

Dated *20-5-99*

R K SHEORAN

Advocate

Ch. No 455

*Patrala House
Court New Delhi*

क्रमांक/No. 4604

शुद्धियों का मूल्य रु. ७ प्रो. ०
Rs. 7/- P.

to the Commission

पाने वी

17.15 Index

Addressed to:

पाने वाले अधिकारी
Signature of Receiving Officer

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क्र.सं./No. 4605

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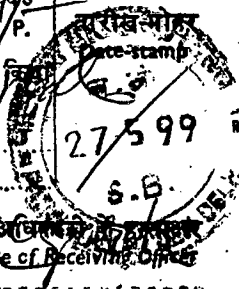
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पाने वाले का नाम/Addressed to

to the
Surat District
Assam

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Signature of Receiving Officer



बीमा नहीं/NOT INSURED

क्रमांक/No. 4607

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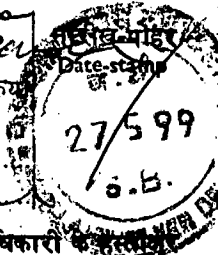
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to the
Surat District
Assam

पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer



R K SHEORAN
Advocate

Ch. No. 455
Patiala House Court
New Delhi

Dated: 27-5-96

To

- ① The Commissioner of KRS N. Delhi.
- ② The Assist Commissioner KRS Sirhan
- ③ the chairman of KR Namrup.
- ④ The Principal of KV of Namrup.

Sir,

Please take notice that my client Sh. K K Singh has filed a petition for early hearing of writ petition against you in the hon'ble Delhi High Court At New Delhi which is likely to be listed very soon

Yours faithfully

Encl: Copy to
application of
early hearing.

(R K SHEORAN)

Advocate

IN THE HON'BLE DELHI ~~EMX~~ HIGH COUR AT NEW DELHI

C.W.P. 3088/89 of 1989

Admitted on : 19-11-91

K K Singh Petitioner

Vs.

The Commissioner of KVS
New Delhi & Others ~~Petitioner~~ Respondents

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New Delhi

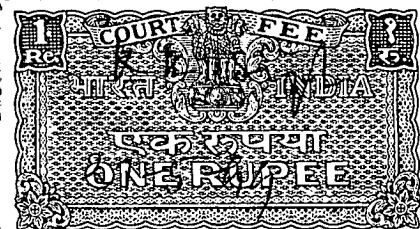
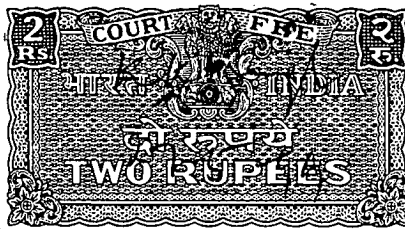
Dated: 27-5-99 Counsel for the petitioner

(R K SHEORAN)

Advocate

B

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IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

cm 7878/99

C.W.P. 3088/89 of 1989

Writ admitted on: 19-11-1991

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K K Singh Petitioner

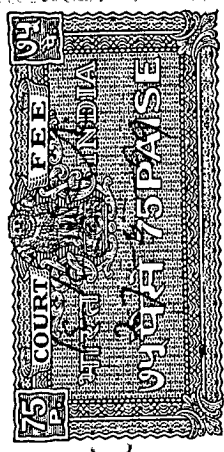
Vs.

The Commissioner of KVS & others.. Respondents

APPLICATION FOR EARLY HEARING U/S 151 ~~CR~~. C.P.C

PLEASE YOUR LORDSHIPS

1. That the petitioner was employed as teacher in Kendriya Vidyalaya Namrup (Assam) on 3-2-1986, on adhoc basis and served there from 3-2-86 to 30-4-88, as an adhoc employee.
2. That there being two vacancies of Lab-Attendant a memorandum for offer of appointment of Lab-attendant on regular basis wef 1-5-88 was issued by the respondent No. 4 and the applicant applied for the same post.
3. That the application of the applicant had been accepted by the respondent and he was asked to join his duty on 2-5-1988 and the applicant accordingly joined the duty with all other conditions such as that the applicant will be on probation for a period of 2 years as per the condition of the appointing authority which were laid down in the appointment letter.
4. That on 14-9-88 the services of the applicant had been terminated on the grounds that his appointment was irregular.
5. That aggrieved from the impugned order of the respondent, the applicant filed a writ petition before this hon'ble court on 23-10-89.2/-



6. That this hon'ble court has been pleased to pass an order for filing an application for early hearing and admitted the writ petition on 19-11-91.

7. That it is submitted that services of all 4 respondents have been done under RC.

GROUNDS

(A) That since the date of termination of service of the applicant, the applicant is unemployed.

(B) That the applicant is the only earning member of his family and there is no other source of income of the applicant except his service.

(C) That the applicant was fully qualified for the said job and nothing was adverse remarks against the applicant.

(D) That the termination of service of the applicant is absolutely irregular and not maintainable in the eye of law.

(E) That the reasonable time has been passed from the date of admission of the writ petition.

It is therefore, prayed that order for early hearing of the said writ petition, in view of the facts and circumstances and time lag as mentioned above may kindly be passed.

It is prayed accordingly.

New Delhi

Dated : 27-5-99

Counsel for the petitioner
(R K SHEORAN)
Advocate

27

5)

IN THE HON'BLE DELHI HIGH COURT AT NEW DELHI

C.W.P 3088/89 of 1989

Admitted on : 19-11-91

K K Singh

..... Petitioner

Vs.

The Commissioner of KVS
New Delhi & Others

..... Respondents

AFFIDAVIT

I R K Sheoran, Advocate S/O of late Sh. Raj
Mal R/O Ch. No. 455 Patiala House Court New Delhi
and H.No. 1974/37 Noida (U.P) counsel for the
petitioner do hereby solemnly affirm and declare
that the accompanying application for early hearing
has been prepared at the instance of the applicant
and the contents of para No. 1 to 7 are correct and
true to the best of my personal knowledge and belief
and nothing has been concealed therefrom.



New Delhi

Deponent

Dated: 27-5-99

Verification:

I the above said deponent verify that the
contents of this affidavit are correct and true to
the best of my knowledge and belief and nothing has
been concealed therefrom.

Deponent

Counsel for the applicant

Se 4
(1/2/99)
R.K. Sheoran
Advocate
Patiala House
Court
New Delhi
27/5/99

Central Administrative Tribunal
Principal Bench, New Delhi

SECTION

IN THE ~~HIGH~~ COURT OF DELHI

ORIGINAL/CIVIL/CRIMINAL/APPELLATE JURISDICTION
CIVIL/CRIMINAL SPECIAL LEAVE PETITION NO. OF 19
CIVIL/CRIMINAL APPEAL PETITION NO. OF 19
CIVIL/CRL/I.A. NO. OF 19
WRIT PETITION NO. OF 19

T. A. No 30 of 1999

In the matter of :

K. K. SINGH

PETITIONER(S)
APPELLANT(S)

VERSUS

Commissioner, Kondhiga Vidyalaya
Sonagallan

RESPONDENT(S)

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TOTAL Rs.

Filed on

प्रधान न्यायाधीश/CAT (L)
आज दाखिल किया
Filed Today
7 OCT 1999
दाखिल नं. / Filing No. 8668
उपरजिस्तार/Dy Registrar

S. RAJAPPA

Advocate for the petitioner/Appellant(s)
Respondent(s)

Chamber : 37, Lawyer's Chamber
Supreme Court, New Delhi-110001

Office cum Res. : 36 C, Pocket 'B'
SFS Flats, New Kondli, Mayur Vihar,
Phase III, Delhi-110096

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1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

TA NO. 30 OF 1999

IN THE MATTER OF:

K.K. Singh

Applicant

Versus

Commissioner,
Kendriya Vidyalaya Sangathan & Ors-

Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

I, D.K. Srivastava, Joint Commissioner (Admn), Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi 110 016 do hereby solemnly affirm and state as under:

1. I am the Joint Commissioner (Admn) of the respondent Sangathan and as such I am authorised and competent to swear to this affidavit.
2. Before giving parawise reply, brief facts of the case are stated as under:

The applicant was a Lab Attendant in the Kendriya Vidyalaya Namrup from 2.5.1988 to 14.9.1988. The applicant was absent most of the time. His record of service are given below:

- (i) Applicant joined as Lab Attendant on 2.5.1988

- 28
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- (ii) Attended Vidyalaya from 2.5.1988 to 7.5.1988
 - (iii) Between 8.5.1988 to 26.6.1988 the Kendriya Vidyalaya was closed for summer vacation.
 - (iv) The applicant attended Kendriya Vidyalaya on 27.6.1988.
 - (v) The applicant remained absent from 28.6.1988 to 30.6.1988 (he applied for leave).
 - (vi) The applicant again remained absent from 1.7.1988 to 7.7.1988 on medical grounds.
 - (vii) The applicant joined duties on 8.7.1988
 - (viii) The applicant applied for leave from 11.7.1988 to 4.8.1988 on medical grounds (9.7.1988 and 10.7.1988 were holidays).
 - (ix) From 5.8.1988 to 17.8.1988 the applicant was on duty.
 - (x) The applicant applied for one months leave with effect from 18.8.1988

3. It is submitted that before the expiry of one months' leave, he was served with termination letter on 14.9.1988 as per the instructions of the Assistant Commissioner, Silchar Region vide letter dated 7.9.1988 and Chairman's letter dated 13.9.1988.

4. It is submitted that the applicant was appointed as Lab Attendant, not in accordance with the Kendriya Vidyalaya Sangathan's rules. There was no notification to the

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employment exchange nor there was any interview conducted relating to his appointment. The local Employment Officer intimated this fact to the Director of Employment and Craftsmen Training, Assam to service a show cause notice to Dr N.N. Mishra who was the earlier Principal regarding appointment of the applicant on 11.8.1988. A copy of the show cause notice dated 11.8.1988 is annexed hereto and marked as **Annexure R-1**. However, after the applicant was appointed great resentment developed among the local unit of the All Assam Students Union (AASU) and they started pressurising the Kendriya Vidyalaya Management Committee as well as the Kendriya Vidyalaya and also the Project Authority i.e. Hindustan Fertilisers Corporation Ltd, Namrup Unit. The AASU threatened to take up agitational programme and even gherbed the Principal on 18.8.1988. Considering all the pros and cons of the matter the Resident Chief Executive of the Hindustan Fertilisers Corporation Ltd constituted an Enquiry Committee comprising the Chairman, Vidyalaya Management Committee, Principal Kendriya Vidyalaya Namrup and CPO of Hindustan Fertilisers Corporation Ltd. The Committee resolved that it should ask the applicant to go on leave so that the law and order situation may not be disturbed in the Kendriya Vidyalaya. The Committee also decided to conduct the Assistant Commissioner of Silchar Region and accordingly the Chairman communicated the matter to the Assistant Commissioner by his letter dated

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19.8.1988. In reply to the letter of the Chairman, Vidyalaya Management Committee, the Assistant Commissioner, Silchar Region advised telegraphically to terminate the services of the applicant. On the basis of the telegram of the Assistant Commissioner, Silchar, the Chairman Vidyalaya Management Committee advised the Principal Mr. R.K. Yadav of the Kendriya Vidyalaya to terminate the services of K.K. Singh vide letter dated 13.9.1988 which was served on the applicant on 14.9.1988. It is further submitted that the resultant vacancy was filled up by appointing a new recruit who was senior most in Group 'D' of the Kendriya Vidyalaya with effect from 1.12.1988 as per the instructions of the Assistant Commissioner, Silchar Region.

Reply on Merits

1. It is submitted that the applicant did not serve continuously from 3.2.1986 to 30.4.1988. The applicant served Kendriya Vidyalaya purely on adhoc basis and there were break in his services for several times which is quite evident from Annexure 'A' itself.
2. It is submitted that proposing the name of the applicant for the post of Lab Attendant in the Kendriya Vidyalaya, Namrup, the then Principal Dr N.N. Mishra ignored the name of the one eligible Group 'D' P. Dewghoria of the same Vidyalaya. This proposal for appointing the applicant was

agross violation of the Sangathan's Circular No. F. 2-16/86-
KVS (V&P) dated 20.3.1987.

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\$ 5

3. It is further submitted that the appointment of the applicant as Lab Attendant was done by the then Principal Dr N.N. Mishra after getting approval of the then Chairman, Vidyalaya Management Committee, Kendriya Vidyalaya Namrup late D.K. Chaliha. In this connection it is submitted that since the applicant was not appointed on regular basis but on adhoc basis. The show cause notice to Dr N.N. Mishra was issued on 11.8.1988 for the gross irregularity in appointing the applicant.

4. As submitted earlier there was great resentment among the local unit of AASU because of irregular appointment of the applicant as Lab Attendant. There was tremendous pressure on the Principal, Vidyalaya Management Committee as well as the Project Authority, namely, M/s Hindustan Fertilisers Corporation Ltd, Namrup Unit. The AASU threatened to start the agitation over the issue of the appointment of the applicant and the situation deteriorated to such an extent that there was gherao in the Kendriya Vidyalaya. Fearing that there will be a great disturbance in the law and order situation it was decided that the Resident Chief Executive of Hindustan Fertilisers Corporation Limited constituted an Enquiry Committee to look into the matter. The Committee which was set up comprised of the Chairman, Vidyalaya

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Management Committee, the Principal and CPO of Hindustan Fertilisers Corporation Limited and resolved that the applicant should be asked to go on leave to that the law and order situation is not disturbed in the Kendriya Vidyalaya and also that the Assistant Commissioner of the Kendriya Vidyalaya Sangathan, Silchar Region should be apprised of the development. In the meanwhile, the Principal Kendriya Vidyalaya Namrup who was gheroed on 18.8.1988 informed the Assistant Commissioner to take a decision in the matter. Thereafter, as per the decision of the Enquiry Committee the Chairman Vidyalaya Management Committee contacted the Assistant Commissioner, KVS Silchar Region by letter dated 19.8.1988 and dated 8.9.1988, copies of which are annexed hereto and marked as **Annexure R-2** and **R-3** respectively. In reply to the above letters, the Assistant Commissioner, Silchar Region advised the Principal telegraphically to terminate the services of the applicant which was carried out. A copy of the telegraphic order of termination is annexed hereto and marked as **Annexure R-4**.

5. From the above it is clear that the applicant is not entitled to any relief as he was neither appointed on regular basis nor did he hold any regular post in the Kendriya Vidyalaya, hence the application deserves to be dismissed with costs.



DEPONENT

संयुक्त आयुक्त (प्र०)
Joint Commissioner (Admin.)
केन्द्रीय विद्यालय संगठन
Kendriya Vidyalaya Sangathan

VERIFICATION:

I, the deponent above named do hereby verify that the contents of Paras 2 to 4 of the Brief Facts and Paras 1 to 5 of the Reply on Merits are true to my knowledge and based on the records of the Kendriya Vidyalaya Sangathan and the legal advise received and believed by me to be true.

Verified at New Delhi on this 27th day of September 1999.



DEPONENT

संयुक्त आयुक्त (प्र०)
Joint Commissioner (Admn.)
केन्द्रीय विद्यालय संगठन
Kendriya Vidyalaya Sangathan

ANNEXURE R/ REGISTERED A/D

GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR & EMPLOYMENT
EMPLOYMENT EXCHANGE
NAMRUP.

No. NMX-90/88/ 1754-SS / Dated, Namrup, the 11/8 1988.
To
The Director of Employment
and Craftsmen Training, Assam,
Rahabari, Guwahati-0.

Sub:- Show Cause Notice- Issuing of.

Sir,

I have the honour to intimate you that one Shri K.K. Singh has been appointed as Laboratory Attendant at the Kendriya Vidyalaya, Namrup by the then Principal, Dr. N.N. Mishra of the Vidyalaya (now Principal, Kendriya Vidyalaya, Chheeki, P.O. Chheeki, Dist. Allahabad, U.P.) with effect from 2nd May '88 by issuing appointment letter No. F/KVN/88-89/53 Dated 7-5-88. The appointment of Shri Singh is highly irregular as no recruitment procedure has been followed by Dr. Mishra and even no interview was taken for the purpose. It is surprising to note that Dr. Mishra had not followed the norms of Kendriya Vidyalaya in filling up the post, rather action was taken hurriedly and secretly by issuing ex-post-facto appointment letter. The vacancy, in question has not also been notified to the Employment Exchange as required under the provisions of the Employment Exchanges (Compulsory Notification of Vacancy) Act, 1959. This irregular appointment of Shri Singh, has created a great public sensation in the locality of Namrup.

Therefore, I request you kindly to issue show-cause Notice to Dr. N.N. Mishra as to why he should not be prosecuted for non-compliance of the provisions of the Employment Exchanges (Compulsory Notification of Vacancy) Act, 1959. The present address of Dr. N.N. Mishra is given below.

Present Address of Dr. N.N. Mishra.

Dr. N.N. Mishra,
Principal, Kendriya Vidyalaya, Chheeki,
P.O. Chheeki, Dist. Allahabad. (U.P.)
PIN- 212105.

This may kindly be treated as Urgent.

Yours faithfully,

(K. D. KHANIKAR)
EMPLOYMENT OFFICER
NAMRUP.

Copy for information to:-

- 1) The Deputy Commissioner, Dibrugarh Dist. Dibrugarh.
- 2) The Deputy Director of Employment, Dibrugarh Zone, Dibrugarh.
- 3) The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Silchar, Assam.
- ✓ 4) Shri R.K. Yadav, Principal, Kendriya Vidyalaya, Namrup.

(K. D. KHANIKAR)
EMPLOYMENT OFFICER
NAMRUP.

*The copy
is*

True copy

Annexure R2

36
82-9

N-III/IE-45/Chairman/KV-01/2600

19-08-1988

To,

The Asstt. Commissioner,
Kendriya Vidyalaya Sangathan
Silchar Region
Silchar

Dear Sir,

Sub:- Appointment of Shri K K Singh,
Lab. Attendant.

Kindly refer to the earlier correspondence sent by our Principal on the above subject. The in which Shri KK Singh was appointed as Laboratory Attendant is jeopardising the educational atmosphere of the Vidyalaya.

The Namrup Regional Students' Union is pressurising the School Management Committee to remove Shri Singh from his services alleging that the appointment of Shri Singh was irregular. The Union is taking up agitational programme against the School management which is interrupting the day to day functioning of the School. In view of this, our Resident Chief Executive constituted a Committee under my Chairmanship including our Chief Personnel Officer and the Principal, Kendriya Vidyalaya, Namrup as members. to enquire into the subject of appointment of Shri KK Singh. The Committee studied all the relevant documents and records pertaining to the appointment of Shri Singh and found that his appointment was not as per the norms laid down by the Kendriya Vidyalaya Sangathan. His name was not sponsored by the local Employment Exchange and there was no Selection Committee to select him for the post. However, the past Principal Dr. NN Mishra issued the appointment letter only with the approval of the past Chairman of the School Managing Committee.

...2...

True copy

[Signature]

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4/10
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From the above, it is clear that the appointment of Shri Singh was irregular and it is very embarrassing for the School Managing Committee to face outside agencies like local Students' Union etc. Keeping in view the overall interest of the School, the Committee decided that Shri Singh should be asked to go on forced leave immediately and the matter may be referred to you for immediate further action. However, I would like to mention here that we shall not be able to allow Shri Singh to continue his services at Namrup as that will be detrimental to functioning of the School.

I would like to add further here that to-day, the 18th August, 1988 a group of Students "Gheroad" the Principal, Kendriya Vidyalaya, Namrup and interrupted the School activities. However, with my intervention and assurance, the Students were persuaded to withdraw their agitational programme till a decision is taken in this regard. The Students organisation here demanded that Shri Singh should be terminated from the services within a month from today. Otherwise, they will resort to their agitational programme again. Such agitational programme is essential for running of the School smoothly. In view of this, I would like to request you to take immediate action on the subject. We shall be obliged if you communicate your decision by first week of September, 1988 in order to recover the situation for a congenial atmosphere in the greater interest of the School.

Thanking you,

Yours Faithfully,

(P. Paruah)
Addl. Chief Engineer (IE) &
Chairman,
Kendriya Vidyalaya Managing
Committee,
Namrup

copy to:-

→ The Principal, KV, Namrup.

True Copy

Ali

08-09-1988

N-III/IE-45/Chairman/
KV-01/2851

To,

The Asstt. Commissioner
Kendriya Vidyalaya Sangathan
Silchar Region
Silchar

Dear Sir,

Sub:- Appointment of Shri KK Singh,
Lab. Attendant.

Kindly refer to our letter No: N-III/
IE-45/Chairman/KV-01/2699 dated 19-08-1988. We
have not yet received any communication about your
action regarding irregular appointment of
Shri K K Singh as Laboratory Attendant in the
Kendriya Vidyalaya, Namrup. This is a very
sensitive issue. Hope you are realising our
problems pertaining to the issue. I would,
therefore, like to request you to expedite your
action in this regard and communicate your decision
as quickly as possible.

Thanking you,

Yours faithfully,

(P. Marwah)

Adl. Chief Engineer(IE) &
Chairman,
Kendriya Vidyalaya Managing
Committee, Namrup.

Copy to:- The Principal, Kendriya Vidyalaya, Namrup.

Total copy

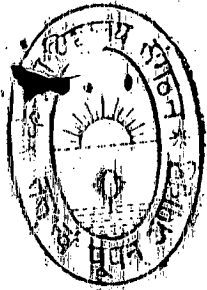
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- (a) Press message--Station from, code time, page number and the letter 'Q' if a 'C' message, station to, code time, page number and letter 'Q' if a 'B' message.
- (b) Service message--Station from, and code time if a 'C' message, station to and code time if a 'B' message. If classed 'S' the class prefixed should be noted in addition to these particulars.
- (c) Other messages--Station from, if a 'C' message, station to, if a 'B' message.

True copy
A/C



केन्द्रीय विद्यालय संगठन
क्षेत्रीय कार्यालय (शिलचर संभाग) शिलचर-788004

KENDRIYA VIDYALAYA SANGATHAN

Regional Office (Silchar Region) Ambicapatty, Silchar-788004

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1367

NO. F.1-1/88-KVS(SR)/5632-33

Dated 07th Sept/1988

To

The Principal,
Kendriya Vidyalaya,
Namrup.

Subject:- Appointment of Sh. K.K. Singh as Lab.Attendant.

.....

Sir,

With reference to your letter No.F.13/KVN/88-89/184 dated 22.7.88, No. HIL dated 9.3.88 from Dr. H.N.Hishra, the then Principal, KV Namrup and No.F.H-III/IE-45/Chairman/KV-01/2609 dated 18.8.88 from the Chairman, VMC, KV, Namrup it appears that the appointment of Sh. K.K. Singh as Lab. Attendant was not made as per KVS norms and rules and was also in contravention of KVS Hrs.circular No.F.2-16/86-KVS(V & P) dated 20.3.87. Hence, you are advised to terminate the services of Sh. Singh either by giving him one month's notice or forthwith by making payment of a sum equivalent to the pay and allowances for the period of notice - in case his further retention for the stipulated period of notice is likely to cause law and order problem for the Vidyalaya.

You are, further, advised to fill up the vacancy as per the Sangathan (Headquarters) Circular No.F.2-16/86-KVS(V & P) dated 20.3.87 (copy enclosed) under intimation to this Office.

Yours faithfully,

(DR. K.E. JHA)
OFFG. ASSISTANT COMMISSIONER.

Copy to:-

The Chairman,
Vidyalaya Management Committee,
Kendriya Vidyalaya, Namrup. with reference to his letter mentioned above.

OFFG. ASST. COMMISSIONER.

True copy
Plor

Before the Central Administrative Tribunal
(Principal Bench New Delhi)

TA No. 30 of 1999

In re:

K K Singh

..... Applicant

Vs.

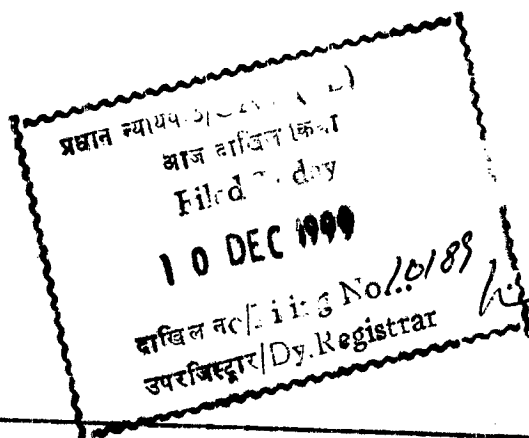
Commissioner of KVS & Ors.

..... Respondents

Next date: 9-12-99

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New Delhi

Dated: 1-11-99

Counsel for the petitioner

(R K SHEORAN)
Advocate

Ch. No 455 Patiala House
Court New Delhi

41 69

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

TA No. 30 of 1999

In the matter of:

K K Singh

..... Applicant

Vs.

Commissioner

Kendriya Vidyalaya Sangathan & Ors ... Respondents

Next date: 27-10-99

REJOINDER ON BEHALF OF PETITIONER

Rejoinder of brief facts

1. That the brief facts mentioned by the respondents in para 2 (i) to (x), 3 and 4 of their counter reply are wrong and denied, the facts mentioned in OA (Petition) are correct and be taken into consideration. It is submitted that termination of service of the petitioner due to pressure of union on the K.V. Sangathan and violation of Principles of Natural Justice, is bad in the eye of Law.

Rejoinder on Merits

1. That the contents of this paragraph of counter reply are wrong and denied, as the petitioner served with the respondent without break in his service.
2. That the facts mentioned in counter paragraphs No.2 of petition are correct, but for the sake of brevity they are not being repeated here.

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3. That the contents of this paragraph are wrong and denied, as the petitioner was given offer for the appointment of Lab-Attendant and the same was accepted by the petitioner and no notice about the termination of service was issued to the petitioner.
4. That the contents of this paragraph are wrong and denied. The facts mentioned in counter paragraph No.4 of the petition are correct and the same is not being reproduced here for the sake of brevity.
5. That the contents of this paragraph are wrong and denied. The facts mentioned in counter paragraph No.5 of the petition are correct but the same are not being repeated here for the sake of brevity.

New Delhi

Krishna Kant Singh.
Petitioner

Dated: 01-11-99

Through counsel

(R K SHEORAN)
Advocate

Ch. No. 455 Patiala House court
New Delhi.

Verification:

I Sh. K K Singh verify that the contents of paragraph 1 of brief facts and 1 to 5 of the above said rejoinder on merits are correct and true to the best of my knowledge and legal advice received and believed by me to be true.

Verified at New Delhi on this 01 day of Nov 1999.

Krishna Kant Singh.
Petitioner