

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 323/2001

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Original APPLICATION NO. 323/2001 OF 199

Applicant(s) C.K.P Naidu

Respondent(s) N.V.S.

Advocate for Applicant(s) B.K. Sharma, U.K. Nair, U.K. daswani

Advocate for Respondent(s) K.N. choudhury, S. Sarma

Notes of the Registry	Date	Order of the Tribunal
<p>his application is in form but not in time. for donation Petition is filed vide M.P. No. <input checked="" type="checkbox"/> C.R. for R <input type="checkbox"/> deposit vide IPO/BU No. 79548543 Dated..... 11.8.2001 B.M. No. 20/801 <i>Mr. Sharma</i> <i>20/801</i></p> <p>Requisites for filing were not received and Extra amount for filing 24/8/01</p> <p>Requisites (one copy) received for hearing No. 1 to 5 received. By Mr. S. Sarma, Adv. his client No 6 Sent by Legal A/D Vide D/No 32695 dd 29/8/01.</p> <p>Mr. Sharma 27/8/01</p>	20.8.01	<p>Heard Mr.B.K.Sharma learned counsel on behalf of the applicant and also Mr.S.Sarma, assisted by Mr.B.C. Das learned counsel for the respondents and accepts notice on behalf of respondents.</p> <p>Application is admitted. Issue notice on the respondents to show cause as to why the interim order No. ND-8/96-NVS(Pers) dated 8.8.2001 (Annexure 9) repatriating the applicant in his parent department shall not be suspended. Returnable by 2 weeks. Mr.Sharma accepts notice on behalf of Respondents No. 1 to 5. List on 11.9.01 for orders.</p> <p>In the meantime, the operation of the impugned order dated 8.8.2001 shall remain suspended.</p>

I C. Usha

Member

Vice-Chairman

I.M.

N.S.
20/8/01

(2)

Notes of the Registry	Date	Order of the Tribunal
No. written statement has been filed.	11.9.01	<p>List again on 11/10/01 to enable the respondents to file written statement. In the meantime, interim order dated 28.8.01 shall continue until further order.</p> <p><i>IC Usha</i> Member</p>
<i>3/9/01</i> Order dated 11/9/01 communicated to the parties concerned.	11.10.01	<p>List on 12.11.01 to enable the respondents to file written statement.</p> <p><i>IC Usha</i> Member</p>
No. written statement has been filed.	15.11.01	<p> Heard Mr.B.C.Das, learned counsel for the respondents Mr.Das, stated that the written statement in this O.A. yet to file and sought for time to file written statement. Also heard Mr.U.K. Nair, learned counsel for the applicant. Prayer for adjournment is allowed.</p> <p>List on 20/12/01 for hearing.</p> <p><i>IC Usha</i> Member</p>
<i>3/12/01</i>	20.12.01	<p>It has been stated by Mr.U.K.Nair, learned counsel for the applicant that he has received some relief in the matter and he may not have pressed the petition. Accordingly, he seeks some time to obtain instructions. Prayer is allowed.</p> <p>List on 22.1.2002 for hearing.</p> <p><i>IC Usha</i> Member</p>
No. written statement has been filed.	22.1.02	<p>List on 11.2.2002 on the prayer Sri B.C.Das, learned counsel for the respondents to enable him to obtain instructions.</p> <p><i>IC Usha</i> Member</p>
<i>3/2/02</i>		

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O.A. No. 323 of 2001

Notes of the Registry	Date	Order of the Tribunal
<p><u>19.2.2002</u></p> <p>Copy of O.S under No. has been sent to the Office for issuing the warrant to the L/Advocate for the parties.</p> <p>AS</p>	11.2.02	<p>Heard Miss U.Das, learned counsel for the applicant and also Mr. B.C.Das, learned counsel for the respondents.</p> <p>It has been stated by Miss U.Das, learned counsel appearing on behalf of Mr. B.K.Sharma, learned Sr. Counsel and Mr. S.Sarma, learned counsel for the applicant that instruction was received from the applicant not to press the application. Considering the facts and circumstances of the case, the application stands dismissed on withdrawal.</p> <p><i>B.K.Sharma</i> <i>[Signature]</i></p> <p>Member Vice-Chairman</p> <p>mb</p>

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

O.A. No. 323 of 2001

Shri C.K.P. Naidu

... Applicant

- Versus -

Union of India & Ors.

... Respondents

I N D E X

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Filed by : U.K. Nair

Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI

D.A. No. B 23 of 2001

File No. T C D
Shri C.K.P. Naidu, son of Shri C.B.K. Naidu, presently working as Principal, Jawahar Navodaya Vidyalaya, Kokrajhar.
T C D
Shri C.K.P. Naidu, son of Shri C.B.K. Naidu, presently working as Principal, Jawahar Navodaya Vidyalaya, Kokrajhar.

BETWEEN

Shri C.K.P. Naidu, son of Shri C.B.K. Naidu, presently working as Principal, Jawahar Navodaya Vidyalaya, Kokrajhar.

... Applicant

- AND -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Human Resource Development, New Delhi.
2. The Navodaya Vidyalaya Samiti, A-39, Kailash Colony, New Delhi-48, represented by its Chairman.
3. The Director, Navodaya Vidyalaya, A-39, Kailash Colony, New Delhi-48.
4. The Deputy Director (P&E), Navodaya Vidyalaya Samiti, A-39, Kailash Colony, New Delhi-48.
5. The Deputy Director, Navodaya Vidyalaya Samiti, A-39, Kailash Colony, New Delhi-48, Regional Office, Shillong.
6. The Director of School Education, Government of Arunachal Pradesh, Naharlagan, Arunachal Pradesh.

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

This application is directed against issuance of office order under Memo No. F.NO.ND-8/96-NVS(Pers) dated 8.8.2001 seeking to repatriate the Applicant to his parent department.

without first considering his case for absorption as per the provisions of the Navodaya Vidyalaya Samiti Recruitment (Revised) Rules 1995 ,as amended.

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant is a citizen of India and is in connection with his work presently residing at Kokrajhar and as such, he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India.

4.2 That the Applicant has by way of this application raised a grievance against the action on the part of the authorities of the samiti in issuing office order dated 8.8.2001 seeking to repatriate him to his parent department, without first considering his case for absorption as per the provisions of the Recruitment Rules, 1995. The Applicant has already appeared in a selection held for recruitment for the post of Principal on direct recruitment basis and the result of which has been withheld pending disposal of an OA filed by him before this Hon'ble Tribunal. Poised thus the action on the part of the authorities of the samiti in proceeding to repatriate the Applicant, without first considering his

case for absorption under the Recruitment Rules holding the field and/or waiting for the disposal of the OA filed by the Applicant, has adversely effected the interest of the Applicant. Left with no other alternative the Applicant has by way of this application come under the protective hands of Your Lordships praying for redressal of his grievances.

4.3 That the Applicant while working as Senior Teacher in Government H.S. School, Roing D4-Dibang Valley, Arunachal Pradesh applied for appointment as Principal, Jawahar Navodaya Vidyalaya on deputation basis and thereafter appeared in a selection held for the same. On being selected the Applicant was vide letter dated 28.11.96 offered appointment as Principal in Navodaya Vidyalaya Samiti on transfer on deputation basis. The Applicant accepting the offer held out to him joined as Principal, JNV, Kokrajhar.

A copy of the letter dated 28.11.96 is annexed as
Annexure-1.

4.4 That as per the terms and conditions of the appointment letter issued to the Applicant, his appointment was initially for a period of two years, which was extendable for a further period upto four years by giving extensions on yearly basis. In the year 1998 on completion of the initial period of appointment the Applicant was granted further extension till the end of 1999. Thereafter in view of the excellent works being done by the Applicant he was granted further extension till the end of 2000. The Applicant since the date of his initial appointment in the samiti has been discharging the responsibilities entrusted to him to the

best of his ability and without blemish to any quarter.

4.5 That in view of the excellent works being done by the Applicant a proposal was mooted for his permanent absorption in the samiti. The Respondent No. 3 in response to such proposal, vide his letter dated 4.8.2000 intimated the Chairman, JNV, Kokrajhar, that as there was no provisions for absorption in the samiti it would not be feasible to absorb the Applicant permanently. It was also observed that the Applicant may apply for the Principal as and when the same is advertised for appointment on direct recruitment basis.

Copy of the letter dated 4.8.2000 is annexed as Annexure-2.

4.6 That the Applicant states that the samiti vide an advertisement which appeared in the issue dated 11-17th, November, 2000 of the "Employment News" invited application for filling up of the post of Principals on direct recruitment basis for the Navodaya Vidyalaya's spread all over the country. The Applicant in pursuance to the said advertisement applied for the said post through proper channel and the application of the Applicant was forwarded by the competent authority to the Respondent No. 2 Samiti.

A copy of the said advertisement is annexed as Annexure-3.

4.7 That even after lapse of considerable time, when no call letters was issued to the Applicant for appearing in the selection scheduled in pursuance to the Annexure-3.

advertisement, the Applicant approached this Hon'ble Tribunal by way of an application being OA No.96/2001 making a grievance against the arbitrary and illegal action on the part of the authorities in not allowing him to appear in the said interview and thereby denying him an opportunity for being appointed as Principal on regular basis in the Samiti. This Hon'ble Tribunal upon hearing the parties was pleased vide its order dated 7.3.2001 to admit the application with a further direction to the Respondents to allow the Applicant to appear in the interview for recruitment for the post of Principal Navodaya Vidyalaya.

A copy of the order dated 7.3.2001 is annexed as
Annexure-4.

4.8 That the Applicant states that as per direction of this Hon'ble Tribunal he appeared in the selection held in pursuance to the Annexure-3 advertisement and to the best of his knowledge he has being selected therein. The results of the said selection, as far as it concerns the Applicant, has been withheld as per directions passed by this Hon'ble Tribunal. The said OA preferred by the Applicant is pending disposal before this Hon'ble Tribunal.

4.9 That the Applicant states that when the period of extension of his deputation was about to come to an end, he was directed by the authorities to continue for another year i.e. for the fifth year. In this connection the Respondent No. 4 vide his letter dated 9.11.2000 took up the matter of further extension of the period of deputation of the Applicant with the Samiti, with the Respondent No. 6. In the

said letter it was inter-alia stated that the Samiti was facing hardships in getting suitable candidates for the post of Principal and as the Applicant was doing good work throughout, his leaving the school would be detrimental to the interest of the students as well as the Samiti. It was also stated that if during the period Applicant was not absorbed in the samiti ,he would be repatriated. The said letter was followed by letter dated 13.12.2000 wherein also the Respondent No. 6 was requested to allow the Applicant to continue with the Samiti till the end of December, 2001.

Copies of the letters dated 9.11.2000 and 13.12.2000 are annexed as Annexure-5 & 6 respectively.

4.10 That the Applicant states that the Respondent No. 2, Samiti has formulated Rules for regulating the method of recruitment to the Posts in Navodaya Vidyalaya Samiti. The said Rules are called the "Navodaya Vidyalaya Samiti Recruitment (Revised) Rules, 1995." As per the provisions of the said Rules any deputationist seeking permanent employment in the Samiti will have to apply for direct recruitment as per the provisions of the said Rules. There was no provision for absorption of the services of a deputationist under the said Rules. It was precisely for this reason that when proposals were mooted for absorption of the Applicant's in the Samiti permanently, the authorities had expressed their helplessness in absorbing the Applicant.

A copy of the said Rules of 1995 is annexed as Annexure-7.

* 4.11 That the Applicant states that the bar imposed under the Rules excluding absorption of deputationist had prevented the authorities from considering the case of the Applicant for absorption on permanent basis, inspite of the fact that his services were very much required by the Samiti. The Samiti vide notification issued under memo No. F.NO.1-5/95-NVS(Admn.) dated 21.6.2001 amended Clause 2(iii) of the said Rules and the same at present reads as follows:

"Persons working on deputation for atleast 02 years on a post in the Samiti may be considered for permanent absorption."

A copy of the notification dated 21.6.2000 is annexed as Annexure-8.

* 4.12 That the Applicants states that pursuant to issuance of the Annexure-8 notification the hurdle existing on the path of the authorities towards considering the case of the Applicant for absorption on permanent basis in the Samiti has been removed. As such the case of the Applicant can now be considered for absorption as per provisions of the Recruitment Rules. Further pursuant to the issuance of the said Notification a right has accrued to the Applicant for having his case considered for absorption on permanent basis in the Samiti.

* 4.13 That as per Clause 2(iii) of the Recruitment Rules as it stands after amendment, the minimum requisite period for consideration of cases of deputationist for permanent absorption is two years and the Applicant having by now

completed nearly 5 years of dedicated and sincere service in the Samiti, his case is required to be considered as per the provisions of the Recruitment Rules, for absorption on permanent basis.

4.14 That the Applicant states that he was shocked and surprised to come across an office order dated 8.8.2001 issued by the Respondent No. 3, repatriating the services of the Applicant to his parent department purportedly on administrative ground as per request made by the Respondent No. 6. The said office order has been issued without first considering the case of the Applicant for absorption on permanent basis in the Samiti and/or without waiting for the outcome of the application being OA No. 96/2000 pending disposal before this Hon'ble Tribunal.

A copy of the office order dated 8.8.2001 is annexed as Annexure-9.

4.15 That the Applicant states that in the interview held in pursuance to the Annexure-3 advertisement, he had successfully answered the question posed to him by the members of the board and this coupled with his educational qualification and experience he is confident that his case has been recommended for appointment as Principal in the Samiti. Further the Applicant has valid reasons to believe that the application being OA No. 96/2000 would be decided in his favour by this Hon'ble Tribunal. Poised thus the impugned order dated 8.8.2001, if implemented would frustrate the claim of the Applicant for appointment as Principal on regular basis in the Samiti. The impugned

order has been issued contrary to the promises held out by the Respondents and the same is with the view to render the application being OA No.96/2001 filed by the Applicant infructuous.

4.16 That in addition to his right of being appointed on regular basis in the Samiti as per the results of the interview held in pursuance to the Annexure-3 advertisement, the Applicant's case is also required to be considered for absorption on permanent basis as per the provisions of Clause 2(iii) of the said Rules. The issuance of the impugned order dated 8.8.2001 without first considering the case of the Applicant for absorption on permanent basis has the effect of depriving the Applicant of his rights under the provisions of the said Rules for appointment on permanent basis. The impugned order has been issued only with a view to frustrate the claim of the Applicant for consideration of his case as per the provisions of the said Rules.

4.17 That the Applicant submits that as and when the question of extension of his deputation arose the authorities of the Samiti had projected him as an able and efficient official and had stated his services to be indispensable, but when the question of absorption of his services in the Samiti arose, the same authorities ignoring the said stand taken by them, have proceeded to issue orders repatriating the services of the Applicant to his parent department without even affording an opportunity to the Applicant for having his case considered for absorption of

his services in the Samiti. The authorities of the Samiti cannot be allowed to approbate and reprobate in the same breath.

4.18 That it is the cardinal principles of service jurisprudence that when the Rules governing the services of the employees concerned provide for consideration of case of deputationist for appointment on permanent basis, before repatriating the deputationist concerned his case must necessarily be considered for absorption. As such the Applicant who possesses all the required qualifications for appointment as Principal in the Samiti must necessarily be considered as per provisions of the Rules for absorption in the Samiti on permanent basis before issuing orders repatriating him to his parent department.

4.19 That the impugned order dated 8.8.2001 has been stated to have issued as per the request made by the Respondent No. 6 vide his letter dated 17.7.2001. The Applicant on receipt of the impugned order dated 8.8.2001 contacted the Education Department, Arunachal Pradesh and enquired as to the reason necessitating issuance of the letter dated 17.7.2001 and he was given to understand that as the Samiti had not taken any decision regarding absorption of the services of the Applicant, the Respondent No. 6 was facing problem in filling up the vacancy caused by the Applicant going on deputation to the Samiti. The Applicant was further given to understand that in the event he is absorbed in the Samiti the Government of Arunachal pradesh would have no objection to the same and their anxiety is confined only to a speedy decision in the matter. It has also been gathered by the

Applicant that in the said letter dated 17.7.2001 the Respondent No. 6 had requested for repatriation of the Applicant only in the event he is not absorbed in the Samiti.

4.20 That the Respondents having utilised the services of the Applicant for more than 4 years they cannot deprive him of an opportunity of being appointed as Principal on regular basis. The Respondents who are model employees ought not to have adopted such a rigid attitude against a person who according to their own version had discharged his duties to the satisfaction of one and all. The Respondents cannot be allowed to reprobate and approbate at the same time.

4.21 That in view of the facts and circumstances stated above it is a fit case wherein Your Lordships would be pleased to interfere and be pleased to set aside the impugned order dated 8.8.2001 and direct the Respondents to consider the case of the Applicant for absorption in the Samiti as per the provisions of the said Rules.

4.22 That the Applicant states that it is a fit case wherein Your Lordships would be pleased to pass an interim order as has been prayed for, failing which the Applicant stands to face irreparable loss and injury.

4.23 That the Applicant states that in the event this Hon'ble Tribunal is pleased to pass an interim direction as has been prayed for the balance of convenience of would be maintained in favour of the Applicant, inasmuch as the

impugned order dated 8.8.2001 is yet to be given effect to and the Applicant is continuing as the Principal, NVS, Kokrajhar. The mandatory audit as directed to be conducted in the impugned order dated 8.8.2001 is yet to be conducted and the Applicant would be released only after completion of the said mandatory audit.

4.24 That this application has been filed bonafide and to secure the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action on the part of the authorities of the Samiti in issuing the Annexure-9 order dated 8.8.2001 is per-se illegal, arbitrary and discriminatory.

5.2 For that it being the case of the authorities throughout that the Applicant could not be absorbed in the Samiti inspite of the excellent works being done by him due to the bar imposed by the Recruitment Rules, the Rules having been amended and provision made therein for absorption of the services of the deputationist, the impugned order could not have been issued without first considering the case of the Applicant for absorption.

5.3 For that the Government of Arunachal Pradesh having all along been asking the authorities of the Samiti to take a decision as regards absorption of the Applicant and to repatriate him only in the event his services are not absorbed in the Samiti, the authorities of the Samiti ought not to have acted on the request made by the Respondent No. 6 on piecemeal basis without considering the case of the

Applicant for absorption in the Samiti permanently.

5.4 For that consideration of the case for absorption of deputationist completing two years service in the Samiti having been provided for under the Service Rules, the case of the Applicant who has by now completed nearly 5 years of service in the Samiti ought to have been considered for absorption in the Samiti on permanent basis.

5.5 For that the Respondent No. 6 having all along stated that the Government of Arunachal pradesh would raise no objection in the event the Applicant is absorbed on permanent basis, the action on the part of the authorities of the Samiti in issuing the Annexure-9 order dated 8.8.2001 is illegal, arbitrary and discriminatory and the same is liable to be set aside and quashed.

5.6 For that the Applicant who possesses all the requisite qualifications for appointment as Principal on regular basis ought to have been given an opportunity for appointment as Principal on regular basis and the action on the part of the authorities in denying the same has violated the provisions of Article 14 and 16 of the Constitution of India, in addition to violating the principles of natural justice.

5.7 For that in any view of the matter the impugned order dated 8.8.2001 is not sustainable and the same is liable to be set aside and quashed.

The Applicant craves leave of this Hon'ble Tribunal to advance additional grounds at the time of hearing of the case.

AB

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

- 8.1 To set aside and quash the impugned Annexure-9 order dated 8.8.2001
- 8.2 To direct the authorities of the Respondent No. 2 Samiti to take action towards permanent absorption of the Applicant

in the Samiti with retrospective effect and with all consequential benefits.

8.3 Cost of the application.

8.4 Any other relief/reliefs that the Applicant is entitled to in the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances of the case, the Applicant prays that Your Lordships would be pleased to stay the effect and operation of the Annexure-9 order dated 8.8.2001 with a further direction to allow the Applicant to continue as the Principal, JNV, Kokrajhar and/or be pleased to pass such further order/order as Your Lordships may deem fit and proper.

10. Advocate :

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

- i) I.P.O. No. : 76548543
- ii) Date : 11-8-2001
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

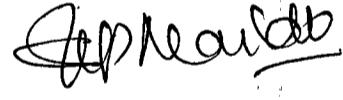
As stated in the Index.

Verification

VERIFICATION

I, Shri C.K.P. Naidu, aged about 48 years, son of Shri C.B.K. Naidu, the Applicant, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 3, 4/1 to 4/4, 4/6, 4/8, 4/9, 4/12 to 4/24 and 5 to 12 are true to my knowledge and those made in paragraphs 4/5, 4/7, 4/10, 4/11 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 17 th day of August 2001.


(C.K.P. Naidu)

नवोदय विद्यालय समिति
 (विद्यालय विकास मंत्रालय, शिक्षा विभाग
 का एक स्वायत्त संस्थान)
 प-38, बिल्डिं कालोमी, मई दिल्ली-110048



Gram: 'NAVSAM'
NAVODAYA VIDYALAYA SAMITI
 (An Autonomous Organisation of Ministry of
 Human Resource Development
 Department of Education)
 A-30, KAILASH COLONY, NEW DELHI-110048

संख्या
 No.

F.NO. PRIN/APPT/DEL 96/NVS(PERS.)

- 17 -

REGISTERED

दिनांक

Dated

November 28, 1996

To
 The Dy^r Director, of Public Instructions
 Dibang Valley District, Anini,
 Camp-Roing, Arunachal Pradesh.

**Subject : Offer of appointment to the post of Principal in
 Navodaya Vidyalaya Samiti on transfer on deputation
 basis.**

Sir,

I am directed to inform you that on the basis of the recommendations of the Selection Committee, ~~Govt. H.S. Schools~~ Mr. ~~APPS~~ C.K. Purushotama Naidu, Senior Teacher Govt. H.S. Schools, of your organisation has been selected for Appointment to the post of Principal in Navodaya Vidyalaya Samiti, on transfer on deputation basis in scale of pay of Rs. 3000-100-3500- 125-4500.

The appointment will be on transfer on deputation basis for a period of two years in the first instance. He/She will also be entitled to draw dearness and other allowances at the raton admissible subject to the conditions laid down in the Rules and Orders governing the grant of such allowances in force as amended from time to time. The general terms and conditions of deputation on foreign service are enclosed.

The other terms and conditions of the appointment will be as follows:-

- i) The appointment will be on purely on transfer on deputation basis initially for a period of two years, extendable upto four years by giving extension on yearly basis at a time, in consultation with his/her parent organisation. However, the deputation period may be curtailed or extended at the discretion of the competent authority without assigning any reason or notice. No permanent absorption is guaranteed to the incumbent who joins on transfer on deputation basis. Those who desire permanent recruitment in Navodaya Vidyalaya Samiti should apply for direct recruitment as and when the vacancies are advertised by NVS. Further, it is clarified that the date of issue of the letter of appointment and the date of joining the Samiti on deputation will not

Roing D4-Dibang Valley, Ar. Pradesh.

Attested
 Anu. Mohd
 Advocate

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- i) The appointment will be subject to the condition that his/her lien will be kept by his/her parent organisation for the period of deputation/extended deputation on the post held by him/her in the organisation where he/she is presently working and he/she will be taken back on or before the expiry of deputation or extended period of deputation.
- ii) Pay while on deputation will be governed in accordance with the instructions contained in the Ministry of Finance O.M. No.101(24)E:iii/60 dated 4th May, 1961 as amended from time to time.
- iii) He/she will have the option to draw his/her grade pay plus deputation duty allowance in accordance with the prevailing rules or to have the pay fixed in the scale of pay of the post in the Samiti subject to the instructions/restrictions contained in the Department of Personnel and Training O.M.No.6/30/86-Estt.(pay-ii) dated 09.12.1986 and Department of Personnel and Administrative Reforms O.M.No.1/4/84-Estt.(pay-ii) dated 26.12.1984. The option will have to be exercised within one month from the date of joining. Option once exercised will be final.
- iv) He/she will have to submit the LPO and Relieving Orders in original from his/her parent organisation in the prescribed proforma to this effect. (Proforma is enclosed).
- v) If any declaration given or information furnished by him/her proves to be false or if he/she is found to have wilfully suppressed any material/information or HIS/HER SERVICES ARE NOT FOUND SATISFACTORY or otherwise during his/her tenure on deputation in the Samiti, his/her services are liable to be repatriated to his/her parent organisation without assigning any reason/ground or notice.
- vi) Other conditions of service will be governed by relevant Rules and Orders in force in the Samiti as amended from time to time.
- viii) Though the present posting will be as under, but subject to exigencies of work, HE/SHE IS LIABLE TO BE POSTED ANYWHERE IN INDIA, during the period of deputation in the Samiti.

NAME OF THE VIDYALAYA : Ranchaldhara

DISTRICT : Kokrajhar

STATE: Assam

- 19 -

It is requested that the concerned official may be informed accordingly and in case the above conditions are acceptable and he /she is willing to accept this offer, he/she may be relieved from his/her duties immediately SUBJECT TO THE CONDITION THAT NO VIGILANCE CASE IS PENDING/CONTEMPLATED AGAINST HIM/HER, with the direction to report to the Deputy Director, Navodaya Vidyalaya Samiti, Regional Office at the address given below latest by 31.12.96 as Principal in the Samiti on transfer on deputation basis.

The Dy. Director,
Navodaya Vidyalaya Samiti,
Regional office,
Upper Lachhumiya,
Shillong-793 001 (Meghalaya)

Tel: 0364-227836, 227609

Yours faithfully,

(ANURAG BHATNAGAR)
DIRECTOR

Enclosures :

1. Relieving Order Proforma
2. Terms & conditions of deputation

Copy to:-

1. M/sr. C.K. Burushotama Naidu, Senior Teacher, Govt. H.S. School, Roing D4-Dibang Valley, Ar. P.

2. The Dy. Director, NVS, Regional Office Shillong. The above named Officer may please be allowed to join the duties subject to verification of relieving order and other related documents. On his/her joining, the JOINING REPORT, LPC and the RELIEVING ORDER (AS PRESCRIBED BY THE SAMITI), IN ORIGINAL, may be forwarded to the Samiti at an early date.

3. The District Magistrate & Chairman, VMC, Distt. Kokrajhar State Assam.

4. The Principal/Incharge Principal, Navodaya Vidyalaya Ranchaldhara Distt. Kokrajhar, State Assam, with a request to handover the charge, to the newly posted Principal as per the directions of Deputy Director, Regional Office, concerned.

A.K. Singhal
(A.K. Singhal)
Suction Officer (Estt.)

Fax : 6460159

दूरध्वाप
Telephone] 6468001 (7 Lines)

नवोदय विद्यालय समिति

(मानव संसाधन विकास मंत्रालय, शिक्षा विभाग
का एक स्वायत्त संस्थान)

५-३९, कैलाश कालानी, नई दिल्ली-१०००४८



तार : 'नवसम'
Gram : 'NAVSAM'
NAVODAYA VIDYALAYA SAMITI
(An Autonomous Organisation of Ministry of
Human Resource Development
Department of Education)
A-39, KAILASH COLONY, NEW DELHI-110018

मुद्रा ND-8/96-NVS(Pers.)

No.

To

Shri J. I. Kathar, IAS
Deputy Commissioner,
Kokrajhar(Assam).Sub: Absorption/direct recruitment in respect of Shri C.K.P.Naidu,
Principal, JNV, Kokrajhar(Assam) - regarding.

Sir,

This is in reference to your letter No. DO/31/96/156 dated 28.06.2000 regarding absorption/direct recruitment in respect of Shri C.K.P.Naidu, Principal, JNV, Kokrajhar(Assam). It is to inform you that there is no provision of absorption in the Samiti and hence it may not be feasible to absorb Shri Naidu permanently. Regarding direct recruitment, Shri Naidu may apply as and when the post of Principal on direct recruitment is advertised.

Thanking you,

Yours faithfully,

V.K. Sharma
V.K. Sharma
4.8.2000
(V.K. SHARMA)
DEPUTY DIRECTOR(PERS.)

Attested
Anu. Brody
Advocate

ad

FORM NO.4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BUREAU : : : : GUWAHATI

ORDER SHEET
Original APPLICATION NO

96 OF 2001

Applicant (s) C.K.P. Naidu

Respondent(s) U.O.I Govt

Advocate for Applicant(s) B.K. Bhattacharya, S. Sarma, U.K. Majumdar

Advocate for Respondent(s) C.K. Bhattacharya

Notes of the Registry Date Order of the Tribunal

17.3.01

Presents: Hon'ble Mr. Justice
D.N. Choudhury, Vice-Chairman
Heard learned counsel for the
parties.

Application is admitted. Call
for records. Issue notice on the
respondents as to why the interim
order (as prayed for) shall not be
granted. Returnable by 4 weeks.
Mr. S. Sarma learned counsel accepts
notice on behalf of respondent
No. 2 to 5. Returnable by 4 weeks.
In the meanwhile, the respondents
are directed to allow the appli-
cant to appear in the interview
which is to be held from 12.3.2001
onwards. -

The applicant shall be allowed to
appear in the interview for recruit-
ment for the Post of Principal
Navodaya Vidyalaya (Special recruit-
ment drive for ST/SC/OBC) in pur-
suance to the advertisement in
Employment News dated 11-17 Novem-
ber 2000 without prejudice to his
claim, that application is submitted to
the interview but the

contd/-

Attested
Anu. Bodh
Advocate

- 23 -

- 5 - 28

O.A. 96 of 2001

7.3.01

results be not finalised without leave of this Tribunal.

List on 4.4.01 for orders.

sd/VICE CHAIRMAN

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1979

WS 53313 | 210

4/8/31 252

Fax : 6460159

दूरध्वाप
Telephone] 6468001 (7 Lines)

नवोदय विद्यालय समिति

(मानव संसाधन विकास मंत्रालय, शिक्षा विभाग
का एक स्वायत्त संस्थान)

ए-39, कैलाश कालोनी, नई दिल्ली-110048

संख्या - NP-8/96-NVS(Pars.)
No.

To

The Director of School Education
Government of Arunachal Pradesh,
Naharlagun, Arunachal Pradesh.Sub: Request for further extension of deputation period in respect
of Shri C.K.P.Naidu, Principal, JNV, Kokrajhar, Assam.

Sir,

Kindly refer to this office letter of even number dated 3.4.2000
on the subject cited above vide which you were requested to grant
extension in respect of Shri C.K.P.Naidu upto the end of December,
2000.

Since the hardships being faced by the Samiti for getting
suitable candidates for the post of Principals have already been
explained in the said letter, you are further requested to grant
extension to Shri Naidu upto December, 2001 i.e. for the fifth
year as Shri Naidu is doing good work throughout and leaving the
school without Principal in the month of December, if extension
is not granted, will have a definite set back to those students
who are appearing in Board Exams in particular.

You may kindly appreciate our difficulty and grant extension
for the fifth year before that if he is not absorbed by that
time, he may be repatriated definitely.

Yours faithfully,

(V.K.Singh)
DEPUTY DIRECTOR(P&E)

copy to:

1. Deputy Director, NVS, Regional Office, Shillong.
 2. Shri C.K.P. Naidu, Principal, JNV, Kokrajhar, Assam.

Attested
Avni M.D.
Advocate

Fax : 6460159

ट्रांसोफर
[0468001 (7 Lines)

नवोदय विद्यालय समिति

(मानव संराधन विकास विभाग, शिक्षा विभाग
का एक स्थायी संस्थान)
ए-39, कैलाश कालोनी, नई दिल्ली-110048

- 25 -

14



Annex one- 6

गार : 'नवसम'

Gram : 'NAVSAM'

NAVODAYA VIDYALAYA SAMITI
(An Autonomous Organisation of Ministry of
Human Resource Development
Department of Education)

A-39, KAILASH COLONY, NEW DELHI-110048

संख्या NJ-8/96-NVS(Peru.)
No. To

दिनांक 12.12.2000
Dated

The Director of School Education
Government of Arunachal Pradesh,
Naharlagun,
Arunachal Pradesh.

Sub: Request for further extension of deputation period in respect
of Shri C.K.P.Naidu, Principal, JNV, Kokrajhar, Assam.
Sir,

This is in reference to Samiti's letter of even number dated
09.11.2000 regarding request for further extension of deputation
period in respect of Shri C.K.P.Naidu, Principal, JNV, Kokrajhar,
Assam for the fifth year i.e. upto the end of December, 2001.
As already intimated that Samiti is facing hardship in appointing
Principals in the North-Eastern Region, it is necessary to
utilize the services of Shri Naidu upto 25.12.2001. Hence it
is desired that your support in terms of extension of deputation
of Shri Naidu will go a long way to strengthen the cause of
Navodaya Vidyalayas.

Yours faithfully,

(V.K. CHAITANYA)
DEPUTY DIRECTOR(P&E)

Copy to:

1. Deputy Director, NVS, RO, Shillong.
2. Shri C.K.P.Naidu, Principal, JNV, Kokrajhar, Assam - with a
request to pursue the matter of extension personally.

DX
53/01/2001

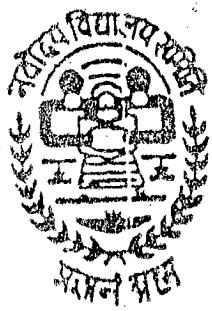
Attested
Anil Bodh
Advocate

- 26 -

Annexure-7.1

Principal.
J. N. V., Kokrajhar.
Assam - 733372

**REVISED
RECRUITMENT RULES
1995**



NAVODAYA VIDYALAYA SAMITI
A-39, KAILASH COLONY
NEW DELHI - 110048

Attested
Anil. Borthakur
Advocate.

NAVODAYA VIDYALAYA SAMITI

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(DEPARTMENT OF EDUCATION)

A-39, Kailash Colony, New Delhi - 110048

No.F.2-29/94-NVS(Admn.)

Dated: 22nd June, 1995

NOTIFICATION

In exercise of the powers conferred under Rule-24 of the Rules of Navodaya Vidyalaya Samiti, the Executive Committee of the Samiti hereby makes the following rules in modification of the rules notified vide notification No. F.1-67/89-Admn. dated 7 June, 1991, for regulating the method of recruitment to all the posts in the Navodaya Vidyalaya Samiti :

1. SHORT TITLE AND COMMENCEMENT

- (i) These rules may be called Navodaya Vidyalaya Samiti Recruitment (Revised) Rules, 1995.
- (ii) They shall come into force on the date of their notification.

2. FUTURE MAINTENANCE OF THE SERVICE

- (i) All persons appointed on direct recruitment basis in accordance with the Recruitment Rules notified earlier vide notification No. F.1-67/89-Admn. dated 7th June, 1991, or under any administrative instructions existing prior to notification of the Rules, or on permanent absorption basis in accordance with the Permanent Absorption Rules of the Samiti, shall continue in the substantive posts held by them.
- (ii) All the appointments in the Samiti after the notification of these Rules shall be made only in accordance with the provisions of these Rules. Appointments to existing posts not covered by these Rules shall continue to be in accordance with the Recruitment Rules notified on 7th June, 1991 mentioned above.
- (iii) Persons who have joined on deputation to various posts in the Samiti one year before the date of notification of these Rules, shall be given one opportunity of consideration for permanent absorption in their respective post after notification of these Rules, against direct recruitment vacancies unless otherwise specified in the Schedule hereto. Such of the deputationists who are not recommended for absorption shall continue in the same capacity till completion of their deputation period subject to administrative exigencies. Thereafter any deputationist seeking permanent employment in the Samiti will have to apply for direct recruitment as per prescribed rules.
- (iv) All teaching staff other than Principals, and Vice-Principals and PGTs and all non-teaching staff upto and including Office Superintendents working in Navodaya Vidyalayas in a region, shall be borne on the concerned Regional Cadre. The seniority of Post Graduate Teachers, which is a feeder post for promotion to Vice-Principal, would be maintained on all-India basis.

(v) All Group 'A' and 'B' employees of the Samiti including Principals and Vice-Principals, will be borne on respective all-India Cadres. The seniority of employees borne on Regional Cadre will be maintained at the Regional basis. Notwithstanding anything contained herein any class or category of posts and incumbents thereof, may be placed in the Regional Cadre or All India Cadre, as the case may be, by general or special orders of Directory, NVS.

3. NUMBER OF POSTS, CLASSIFICATION AND SCALES OF PAY

The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to this notification.

NOTE : Teachers are entitled for senior scale and selection grade in accordance with Govt. of India orders dated 20th Sept., 1987 as amended from time to time.

4. METHOD OF RECRUITMENT, AGE-LIMIT AND OTHER QUALIFICATIONS

(i) The method of recruitment, age-limit, qualifications and other matters relating to the said posts shall be as specified in columns 5 to 11 of the said Schedule.

NOTE : In columns 7 and 11 of the Schedule, wherever, regular service in a specific scale of pay is mentioned as part of qualification/experience for the post, the allowances attached to that scale shall be comparable or equivalent to that prescribed by the GOI.

(ii) For promotion to the various posts under the Samiti, the composition of the departmental promotion committees for different categories of posts will be as given in Appendix-1A to the Schedule.

The composition of selection committees for appointments to various categories of posts under the Samiti will be as given in Appendix-1B to the Schedule.

(iii) The scheme of the Navodaya Vidyalayas provides for admission of girls to the extent of atleast one-third of the students in each Vidyalaya. In order to effectively manage the residential and custodial requirements of girl students, the Director of the Samiti may decide during each selection to enlarge the zone of consideration by upto 50 % for female candidates in order to facilitate recruitment of more female candidates for direct recruitment in respect of all teaching posts in the Vidyalayas.

(iv) In order to encourage more female candidates to apply for teaching jobs in the Samiti, the upper age-limit in case of female candidates applying for teaching posts in the Vidyalayas would be extendable by 10 years while deciding their eligibility.

(v) In cases where promotion has been prescribed as a method of recruitment, the eligibility list for promotion shall be prepared with reference to the date of completion by the officers of the prescribed qualifying service as on 1st October of the Recruitment Year in their respective grade/post. The Recruitment Year for promotions will be the calendar year.

(vi) Notwithstanding anything contained in these Rules, the Director of the Samiti may, in case of urgent need, permit appointment on short-term contract against any post included in these Rules, on a consolidated remuneration, provided that the amount of remuneration shall not exceed the pay plus dearness allowance admissible at the minimum of the pay of the post. In such cases the contract period shall not normally exceed one year unless otherwise specified.

5. DISQUALIFICATION

No person -

- (a) Who has entered into or contracted a marriage with a person having a spouse living, or
- (b) having a spouse living has entered into or contracted marriage with any person, shall be eligible for appointment to the said post. Provided that the Samiti may, if satisfied that such marriage is permissible under the Personnel Law applicable to such person and the other party to the marriage, and there are other grounds for so doing, exempt any person from the operation of this Rule.

6. POWER TO RELAX

When the Executive Committee of the Samiti upon a recommendation made by the Director to that effect, is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class or category of posts or persons. All administrative orders/instructions providing for any relaxation, exemption etc. of the provisions of Recruitment Rules issued prior to notification of these revised Rules shall stand superseded after notification of these Rules.

7. SAVINGS

Nothing in these Rules shall affect reservations, relaxations in age-limit and other concessions required to be provided by the Samiti for the Scheduled Castes, Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Government of India from time to time in this regard.

8. INTERPRETATIONS

Any question relating to interpretation of these Rules shall be decided by the Director, Navodaya Vidyalaya Samiti.

Neeru Nanda

(NEERU NANDA
DIRECTOR)

Fax 84091

दूरभाष] Telephone 6468001 (7 Lines)

- 30 -

नवोदय विद्यालय समिति

(मानव संसाधन विकास मंत्रालय, शिक्षा विभाग
का एक स्वायत्त संस्थान)

ए-39, कैलाश कालोनी, नई दिल्ली-110048



संख्या

F.No. 1-5/95-NVS (Admn.)

No.

तार : 'नवसम'
Gram : 'NAVSAM'

NAVODAYA VIDYALAYA SAMITI

(An Autonomous Organisation of Ministry of
Human Resource Development
Department of Education)

A-39, KAILASH COLONY, NEW DELHI-110048

Email : navodaya@ren02.nic.in

navodaya@nda.vsnl.net.in

Website : navodaya.nic.in

21/06/2001

दिनांक

Dated

NOTIFICATION

In exercise of the powers conferred under Rule-24 of the Rules of the Navodaya Vidyalaya Samiti, the chairman, NVS, hereby makes the following Rules for regulating and method of absorption in Navodaya Vidyalaya Samiti by modifying the clause-2(iii) of the Rules notified through Notification No.F.2-29/94-NVS (Admn.) dated 22nd June, 1995:

1. The notification No.F.2-29/94-NVS (Admn.), dated 22nd June, 1995 alongwith the Revised Recruitment Rules, 1995, the Clause-2(iii) may now be read as under :

"Persons working on deputaion for atleast 02 years on a post in the Samiti may be considered for permanent absorption.

To

S.P. Saur
(S.P. Saur) 21/6/2001
Director, NVS

1. All Regional Officers of the Samiti.
2. All Jawahar Navodaya Vidyalaya.
3. All Officers at NVS HQs.

Attested
Anil K. Bood
Advocate

Fax : 6484091

दूरभाष] 6468001 (7 Lines)
Telephone]

नवोदय विद्यालय समिति

(मानव संसाधन विकास मंत्रालय, शिक्षा विभाग
का एक स्वायत्त संस्थान)
८-३९, कैलाश कालोगी, नई दिल्ली-११००४८



- ३१ -

Repd.

Annexure - 9

तार : 'नवसम'
Gram : 'NAVSAM'

NAVODAYA VIDYALAYA SAMITI

(An Autonomous Organisation of Ministry of
Human Resource Development
Department of Education)

A-39, KAILASH COLONY, NEW DELHI-110048

Email : navodaya@ren02.nic.in
navodaya@nda.vsnl.net.in

Website : navodaya.nic.in

8- 20 01

दिनांक

संख्या F.No ,ND- ३/९६ -NVS (P e r s .)

No.

OFFICE ORDER

Dated

The services of Shri C.K.P.Naidu, Principal, Jawahar Navodaya Vidyalaya Kokrajhar (Assam) are repatriated to his parent department, with immediate effect, on administrative grounds, as per the request of Directorate of School Education, Govt. of Arunachal Pradesh vide letter No. ED. 2/134/Per/82 dated 17th July 2001.

Shri Naidu is requested to handover the complete charge of the vidyalaya to the vice-Principal / Senior Most PGT, as per the directions of Regional Office Shillong.

He is entitled for transfer TA etc. as per the rules of the Samiti.

*W.M. Sharma
28.7.2001*

(V.K.SHARMA)

DY.DIRECTOR (P&E)

✓ Shri C. K. P. Naidu,
Principal,
JVV Kokrajhar
Assam

Copy to :

- 1) Dy. Director, NVS, Regional Office Shillong - with a request to conduct a mandatory audit of the vidyalaya and to ensure that there are no dues outstanding against Shri Naidu. However, dues if any may clearly be indicated in his LPC.
- 2) The Director of School Education, Govt. of Arunachal Pradesh, Naharlagun (Arunachal Pradesh)
- 3) The District Magistrate, MC, Distt. Kokrajhar (Assam).
- 4) SPA to Director, NVS. Hqrs.

R-

Attested
Anuji
Advocate