

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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Disposed Date-17/08/01

O.A/T.A No. 91/2001.....

R.A/C.P No.....

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SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWATHI BENCH ::::: GUNAHATI

ORDER SHEET
Original APPLICATION NO 91 OF 2001

Applicant (s) L. N. Yadav

Respondent(s) B.O.I. Govt

Advocate for Applicant(s) In Person

Advocate for Respondent(s) C.R.C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form and is in order of presentation and is in accordance with the rules of the Tribunal for the filing of applications Dated 27.2.2001 56422534	7.3.01 By Registered Post 21/3/01	Present: Hon'ble Mr.K.N.Choudhury Vice-Chairman. Heard applicant in person and also learned counsel for the respondents. Application is admitted. Call for records. Issue notice on the respondents. List on 11.4.01 for orders.
Service of Notice issued to the respondents vide D.No. 941-62 Dd. 14.3.00 B.C.C.	13.3.2001 11.4.01 1m W.S 21/3/01	Vice-Chairman
	11.4.01 1m	On the prayer of learned counsel for the respondents 4 weeks time is allowed for filing written statement. List on 15.5.01 for orders.

Vice-Chairman

9.5.01

List after three weeks and in the meantime Mr. S. Sarma learned counsel appearing for the KVS may obtain necessary instruction for the matter.

List on 31.5.2001 for orders.

Vice-Chairman

bb

31.5.01
(Kohima)

Mr S. Sarma, learned counsel for the respondents prays for four weeks time to file written statement. Prayer is accepted.

List on 6.7.2001 for orders.

K. I. C. Shrivastava
Member

nkm

6.7.2001

Mr L.N. Yadav, the applicant appearing in person, has stated that the ongoing court cases of Yoga Teachers in the Principal Bench of the Tribunal mentioned in the communication dated 27.4.2001 by the Deputy Commissioner (Admn.), the respondent herein, has finally been disposed of by order dated 15.5.2001 in O.A.No.1584 of 2000 and the Tribunal allowed the O.A. by setting aside the transfer order dated 9.8.2000. Mr Yadav, therefore, submitted that the respondents are now to be ordered to give effect to the transfer order dated 23.4.2001, whereby the applicant has been transferred to Patiala. Mr S. Sarma, learned counsel for the respondents, however, seeks some time to obtain necessary instructions. List the case on 18.7.01 to enable Mr Sarma to obtain instructions. Endeavour shall be made to dispose of the O.A. and Misc. petition on that day.

Order dtd 6/7/01
Communicated to the
applicant & Sh. Ch. B.C
Vide O.N. No _____
dd

9/7/01

Notes of the Registry	Date	Order of the Tribunal
	18.7.01	List on 1.8.01 alongwith M.P.No. 124 of 2001 for orders. <i>I.C.Usha</i> Member
lm	1.8.01	List the case for hearing on 8.8.01. <i>I.C.Usha</i>
lm	8.8.2001	Vice-Chairman The applicant is absent today. List again for hearing on 10.8.01. <i>I.C.Usha</i> Vice-Chairman
nkm	10.8.2001	The applicant appeared in person. He says that by order 11.4.2000 (Annexure-IV to the O.A.) the applicant was transferred from Mehsana, Gujarat to Dimapur, Nagaland and by another order dated 23.4.2001 the applicant was transferred to Patiala at his own request. However, the order dated 23.4.2001 was cancelled by another order dated 27.4.2001 on the ground that the matter was pending before the Principal Bench of Central Administrative Tribunal, New Delhi. It is informed that the Principal Bench has passed an order in O.A.1584 of 2000 on 15.5.2001. The applicant says that now there is nothing standing in his way for his being ^{relief} relieved. U Mr. S. Sarma, learned counsel appearing for the respondents requests for some time to obtain instruction. Accordingly, the matter is listed for hearing for final disposal on 17.8.2001. The respondents are directed to give reasons ^{reasons as to} why the applicant cannot be relieved for joining at Patiala <i>I.C.Usha</i> Member
bb		

Notes of the Registry

Date

Order of the Tribunal

17.8.01

Heard counsel for the parties.

Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.

1C (Usha)
Member

Received the judgment
of copy order
applicant 28/8/2001

28.8.01
Copy of the judgment
has been sent to the
Office for issuing
the same to the ~~Applicant~~
L/Advocate for the
respondent.

pg

NS
21/8/2001

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 91 of 2001.

Date of Decision. 17-8-2001.

Shri L.N.Yadav

Petitioner(s)

Applicant appeared in person.

- Versus -

Advocate for the
Petitioner(s)

Union of India & Ors.

Respondent(s)

Sri S. Sarma.

Advocate for the
Respondent(s)

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.
THE HON'BLE

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 : Admin. Member.

1 C Ushan

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 91 of 2001.

Date of Order : This the 17th Day of August, 2001.

The Hon'ble Mr K.K.Sharma, Administrative Member.

Shri L.N.Yadav,
Yoga Teacher,
Kendriya Vidyalaya,
Dimapur, Nagaland.

... Applicant

Applicant appeared in person.

- Versus -

1. Union of India
through the Secretary,
Ministry of Human Resource
Development, Govt. of India,
New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.

... Respondents.

By Advocate Sri S.Sarma.

O R D E R

K.K.SHARMA, ADMN. MEMBER.

By this O.A. under Section 19 of the Administrative Tribunals Act 1985 the applicant has challenged the Memorandum No.F.3-9(18)2000-KVS(E.IV) dated 20.12.2000. Th

2. The applicant is a Yoga Teacher in Kendriya Vidyalaya Dimapur, Nagaland. He had one more application being O.A. 311/2000 in which he had challenged his transfer from Mehsne, Gujrat to Dimapur, Nagaland. By order dated 2.11.2000 the applicant was directed to make a representation to the respondents and the respondents were also directed to consider the same within a period of two months. Pursuant to the order dated 2.11.2000 in O.A.311/2000 the applicant made a representation which has been disposed of by the

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contd...2

impugned order dated 20.12.2000. The applicant has challenged the same. The applicant represented his case personally. It is stated by the applicant that when he was found surplus at Mehsne, Gujrat he made a request for transfer to any of these places namely, Rewari, Alwar, Delhi (Manesar or Gurgaon), Patiala, Jhajjar or any KV near Chandigarh. The applicant had requested that as his children were studying in Hindi medium schools he should be transferred where the education in Hindi medium is available. The applicant was transferred to Dimapur where education in Hindi medium is not available. By the impugned order the applicant's representation has been rejected on the ground that the applicant had himself requested for a transfer to Nagaland. This fact is disputed by the applicant.

3. The respondents have not filed any written statement and have not also produced any record. However, with reference to the order passed in O.A.311/2000 shows that the applicant had sought for transfer to Nagaland and Manipur under the impression that Hindi medium institutions are available there. The applicant has stated that by an order dated 23.4.2001 the applicant's request for transfer to a place of his choice, namely, Patiala was accepted and order for transferring him to Patiala was passed. The same order was however cancelled in view of the ongoing Court cases of Yoga Teachers pending before the Principal Bench of the Central Administrative Tribunal, New Delhi, ~~Therapyika~~ applicant has placed on record the order dated 15.5.2001 in O.A. 1584/2000 before the Principal Bench of the Central Administrative Tribunal whereby the O.A. filed by a group of Yoga Teachers ~~was~~ ~~been~~ ~~dispensed~~ of. The applicant pleaded that now there is no hindrance in the transfer order dated

1000(har)

23.4.2001 being revived. It appears that the respondents have no objection to the transfer of the applicant from Dimapur to Patiala as they have themselves passed the transfer order dated 23.4.2001. The only obstacle in the way of transfer order was the application filed by Yoga Teachers in the Principal Bench of the Tribunal. No other obstacle as such are discernible.

4. Having heard the applicant in person and Mr S.Sarma, learned counsel appearing on behalf of the respondents, I am of the view that applicant's case requires sympathetic consideration. The applicant had on his own opted for a posting to Nagaland under the impression that Hindi medium institutions are available there. Under the situation after having come and worked in Nagaland he found that his children's education was suffering on account of non availability of Hindi medium institutions. The applicant is directed to submit a fresh representation for his transfer to Patiala or any other place where he thinks that Hindi Medium institutions are available. The respondents are also directed to give sympathetic consideration to the applicant's request and take a decision on the transfer of the applicant within a period of 45 days from the date of receipt of this order.

The application is accordingly disposed of. No order as to costs.

KK Sharma
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : : : GUWAHATI

(An application under Section 17 of the Administrative Tribunal Act, 1985)

Title of the case : O.A No. 21/2001

Shri L.N. Yadav : Applicant

- Versus -

Union of India and Commissioner : Respondents.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : GUWAHATI

(An Application under Section 19 of the Administrative Tribunal Act, 1985)

Original Application No _____/2001

In the matter of :

Shri L.N. Yadav

Yoga Teacher

Kendriya Vidyalaya,

Dimapur, Nagaland.

Applicant.

- Versus -

1. Union of India and others
through the Secretary,
Ministry of Human Resources,
Government of India,
New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.

..... Respondents

Contd.p/2



DETAIL OF APPLICATION

1. Particulars of the order against which the application is made.

The applicant is filing an application against the memorandum No. F. 3-9(18)/2000-KVSCEIV) dated 20 Dec. 2000, the Commissioner of KVS (HQ) rejects the representation made by applicant dated ^{on} 06-11-2000. The Tribunal has ordered the applicant to make a representation, as per O.A 311/2000. The CAT Guwahati Bench. The commissioner has suppressed the facts that the applicant was redeployed and present posting was also made as per the request made by the applicant. These are not true.

Annexure :

1. copy of Memorandum Fo F 3-9(18)/2000-KVS (E IV) dated 20 Dec. 2000

2. copy of Represent made by the application ^{on} 06/11/2

3. copy of OA 311/2000

2. Jurisdiction of the Tribunal.

The applicant declare that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. Limitation.

The applicant further declare that the applicant is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 The applicant is working as a Yoga Teacher in the Kendriya Vidyalaya Sangathan since 24-10-81 and transferred from KV Mahesana (Gujrat) to KV Dimapur (Nagaland) on surplus ground in public interest (Single case only) with immediate vide office order No. F.3-1 (1)/99-KVS (E.IV) dated 11 Apr 2000. Ordered by Education Officer Annexure No. - 4 Dr. E. Prabhakar.

4.2 As per Memorandum No. F.3-9(18)/2000-KVSCEIV) dated 20-12-2000 para No. I where as L.N. Yadav, (The applicant) Yoga teacher, KV Dimapur on being found in excess of section staff strength was redeployed order No. F.3-1 CD/99 - KVS dated 11-4-2000.

4.3 The applicant joined KV Dimapur ^{on} 28-4-2000. In KV Dimapur there are only two section in each class, i.e. from Class one to XII which as same were in KV Mehsane from where the applicant was transferred. This being the case, it is quite surprising as to how the surplus factor and redvelop come in to play. The ^{applicant} ^{feels} ^{was} that there is room enough to believe ^{that} and had been shown a fit of Annexure No. - 5

4.4 Vide letter No. F.1-3/2000-KVS(Estt) dated 07 Apr 2000 by the Education Officer, KVS HQ, New Delhi sought for information and to enable it to adjust the teachers who are to be rendered surplus. Further, the Assistant Commissioner was directed to send request of the teacher for choice posting and accordingly, advised him to request the teachers for five choices instead of complying with the aforesaid communication dated 07.4.2000, in the respondents arbitrarily passed the impugned order bearing No. F.3-1(1)-99-KVS(EIV) dated 11-4-2000 transferring the applicant at Dimapur. The information so as to reach by the 12th of April 2000 ordered by Education

N d

Officer, Dr. E. PRABHAKAR. Without waiting the applicant option transferred him on 07-04-2000. Without obtaining the option of the applicant seems to be hasty. The authority should have at least waited for such option from the concerned persons.

Letter No. F.1-3/2000-KVS(Esst) dt. 07-0402000 Annexure No. - 6

4.5 Mr. A.P. Bhattacharjee Ex-supw teacher of KV Dimapur was transferred to upper Shillong As per Transfer Order No. F.4-1(SUR)/2000-KVS(EIV) date 30-8-2000. Due to fixation of staff strength in Kendriya Vidyalayas for the year 2000-2001 the staff is required to be redeployed outside the region. Annexure No. - 7. In my office order no. F.3-1(1)/99-KVS(E-IV) dt. 11-4-2000. The applicant transfer on surplus ground in public interest with immediate effect.

4.6 As per Memorandum no. F.3-1(1)/99-KVS(E-IV) dt. 13-9-2000. With reference to his communication dated 24.5.2000 regarding modification of transfer from Dimapur to Chandigarh or nearby. Sh. L.N. Yadav, Yoga Teacher, KV, Dimapur is hereby informed that his request for modification has been considered by the competent authority sympathetically but the same could not be acceded to since his transfer to KV, Dimapur was ordered as per his willingness vide communication dated 10.12.99 and 17.12.99. The applicant request for modification of transfer order in my case - request to The Vice-Chairman, KVS & Additional Secretary(Education), Ministry of Human Resource Development, Shastri Bhawan, New Delhi on 24th May 2000. Above all this fact it is proof that the applicant was only transfer to KV MASANA no due to fixation of staff strength in Kendriya Vidyalayas for the year 2000-2001.

4.7 The applicant request the competent authority time to time (for last two years) to transfer him in Hindi Medium area College vide letter No F.19-1/98/KVS(AR) dated 15th Mar 1999. The applicant, application has been considered by the competent authority but the same cannot be acceded to at present, and informed that his transfer application would be considered as per rule as and when his application for transfer is received in future by the competent authority.

4.8 The applicant come to know his name in the transfer priority list was not mentioned in the year of 1999-2000. The Assistant Commissioner request the Dy. Commissioner to mentioned applicant name vide letter No F.19-1/99/KVS(AV) dated 24 Sep 1999. Copy enclosed - Annexure no. - 8.

4.9. The applicant request the commissioner to transfer him in Hindi medium Area where are Hindi medium college are available. At Dimapur there is not any Hindi medium. As the applicant come to know and the applicant requested the competent authority on 16-3-2000 to transfer him to KV ALWAR, REQARI, PATIALA, JHAJHAR & DELHI. Annexure No. - 9.

4.10 The applicant had been requested vide request transfer (annual) on dated 8-2-2000. The applicant name in the priority list for Annual request transfer are mentioned REWARI, (1) ALWAR (1) PATIALA (2) JHAJHAR (2) vide interned code No. (<http://www.KVSAAn gathan org/>) Annexure No. - 10.

4.11 As per Commissioner memorandum No. F.3-9 (18)/2000KVS(E-IV) dated 20 Dec 2000. In para No. 4 such excess staff have to be redeployed in other Kendriya Vidyalaya where a clear vacancy is existing. The applicant is a qualified Yoga Teacher. The applicant is serving as a game teacher. The applicant training and educational qualificational does not suit as a Game's teacher. Any fettered discretion is anathema to the rule of law what is unjust, unreasonable, and unfair

is also arbitrary and violate of article of 14 of constitution of India.

In Kendriya Vidyalaya, Dimapur the post of physical education teacher is lying vacant for last two years.

4.12 There is a clearcut vacancy in KV AFS Rajokari, New Delhi vide letter No. F.39-1/2000/KVS(O&M) dated 28-06-2000. The applicant representation to the commissioner as per as per order, O.A311/2000 (The CAT Guwahati Bench) REWARI, ALWAR, PATIALA, DELHI etc. These are also having two sections. It is quite unjustice with the applicant.

4.13 Mr. B.S. Malik exyoga Teacher of K.V AFS Rajokri (Delhi) had been transferred to Chennai on surplus ground. He challenged the transfer order to The CAT Delhi Bench. His transferred was modification to K.V NFL PANIPET (Haryana) that is also having two sections.

As per letter No. 1-1/2000-01/kvs (O&M) dt. 11-09-2000 by KVS HQ. (O&M Sections) regarding Staff Sections in the Academic Session as per Joint Commissioner Academic in this letter, as you are aware (The Assistant Commissioner, KVS, All Regional Office) that KVS has taken the exercise to stabilize the sections in KVS because of budget constraint DISTRIBUTION OF TIME PERIODS, DISTRIBUTION OF TIME PERIODS. The schools function Six day per week (Except second Saturday of each month) with 08 periods of 40 minutes duration each. The allotment of periods per subject/activity per week are given below.

Subject, Games/Yoga, -----Class I to V no Yoga ----- Class VI to VIII only 1 period for each class per week and Class IX to X also 1 period per class.

As per this order Yoga Teacher having only X to XI period per week.

As per norms Yoga Teacher/Misc. staff should have atleast 30 to 36 period per week.

It is quite surprising to post the applicant at KV Dimapur (Nagaland). Annexure No. - 11.

4.11 The applicant send a representation to the KVS HQ. on 17-02-2000 regarding pay scale of Yoga Teacher ^{with} ~~as~~ par ^{Yoga Teacher} NCT Delhi. But the authority send the applicant in three months Yoga Training along with unqualified Yoga Teachers i.e. unjustice with the applicant had passed Diploma in Yoga Education (1980 to 1981) from KAIVLADHAMA one year training in Yoga Education. The KAIVLADHAMA has been accepted as the National Institution in the field of Yoga Education. Annexure No. - 12.

4.12 Not only this unjustice the applicant had not been confirmed as per Rajya Sabha unstared question No. 1483. The Answer give on 11 Dec 1998 by Honourable Minister Dr. M.M Joshi. That there is a disciplinary case is pending against the applicant. Annexure No. - 13

As per order No. 6-9/98 KVS/AR dt. 23-02-99 order to drop all the charges levelled against Sh LN Yadav, Yoga Teacher are not maintainable and require no further inquiry into the case. The applicant was confirmed on dt. 21-4-99 vide order no. F.21-1/98-KVS(AR) with effect on 24-10-1983.

4.13 No only this the applicant was given the same scale along with the untrained and unqualified teacher upto May 99. As per order No. F.No.12-17/97-KVS(Admn-I) dt. 3-2-1999, Yoga Teachers, who do not possess the qualification Bachelor's Degree with 3 months training in Yoga from a recognised institution will remain in this scale of 4500-125-7000 as per order

no. F.4-1/99-2000/KVS(AR)Accts. dt. 26 April 1999. The applicant was pay in Senior Scale.

5. GROUND FOR RELIEF WITH LEGAL PROVISION

The applicant wants to transfer him or modified his transfer order to KV RAJOKRI (Delhi) as per letter no. F.39-1/2000/KVS(O&M) dated 28 June 2000. Sanction of the competent authority is hereby conveed for certain of the following posts of Yoga Teachers against the Vidyalaya mentioned each for academic session 2000-2001. Copy enclosed - Annexure No.-

These KV having only two sections only upto class XII KV REWARI (Hariyana) having two sections in each class from class I to XII as Mr. B.S. Malik was modified from KV RAJOKRI to Chennai to NFL Panipet i.e. is having two sectons as Mr. Malik challenged the transfer order to The CAT Delhi Bench. The applicant ~~feeling~~ very much mental tension because the authority harsh him too much as he mention above with proof.

6. Details of remedy exhausted

The applicant beg to state that there is no other alternative remedy any rule available before the applicant then to approach the Hon'ble Tribunal by way of filling this Original Application.

7. Matter not pending before any other Court/Tribunal

The applicant further declare that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court of law or any other authority or any other Bench of the Tribunal and/if any such application writ petition or suit is pending before any of them.

8. Relief Sought For :

Under the facts circumstances of the case the applicant prays for the following relief. The Commissioner Surpress the fact vide memorandum no. F.3-9(18)/2000-KVS(E-IV) dt. 20 Dec. 2000. The Hon'ble CAT order the applicant to represent to the commissioner vide O.A 311/2000 and reject the request of the applicant. There is a vacancy at KV RAJOKI vide letter above said in.

Queshing and setting aside memorandum no. F.3-9/2000-KVS(E-IV) dt. 20 Dec. 2000 in transfer him Delhi, REWARI, ALWAR or any Hindi medium area so that his sons can get high education because his sons mother tongue is Hindi and they ~~guide~~ ^{get} their Education till date in Hindi medium only. This is the main problem of the applicant.

9. Interim Relief Prayaed For :

The applicant does not pray for any interim relief in the case, However, the Hon'ble Tribunal may be pleased to direct the respondents that pendency of this application shall not be a bar for considering his case.

10. The application is filled by person (by the applicant self)

11. Particulars of postal order :

i. I.P.O. No. 56422524 ii. Date of issue : 27-2-2001

iii. Issued from : G.P.O. Guwahati, iv. Payable at : G.P.O., Guwahati

12. List of enclosures :

As stated in the Index

CV
dr

N

VERIFICATION

I, Shri L.N. Yadav, son of Late B.R. Yadav, Vill-Saidpur (Ateli) Haryana aged above 47 years and working in KV Dimapur as Yoga Teacher do hereby verify the statement and declare that the statement made in paragraph 1 to 12 are true to my knowledge and I have not superssed any material fact.



Guwahati

Signature

Dated : 28-02-2001

⑬ Mehsana - to Dimapur - 11.4.2000
made @ her his request Ann. I ⑭

⑫ Grampada to Patnala 23.4.2001 - Cancelled on
27.4.2001

Kendriya Vidyalaya Sangathan
(Estd. IV Section)
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 110 016.

Speedy

No. F.3-9(18)/2000-KVS(E.IV)

DATED: 26/12/2000

Memorandum

1- Whereas Sh. L.N. Yadav, Yoga Teacher, KV, Dimapur on being found in excess of sanctioned staff strength was redeployed to KV, Dimapur in public interest vide this office order No.F.3-1(1)/99-KVS(E.IV) dated 11.4.2000.

2- Whereas Sh. L.N. Yadav filed OA No.311/2000 before the Hon'ble CAT, Guwahati Bench against his transfer to Dimapur upon which the Hon'ble Tribunal passed the following order on 2.11.2000.

"The respondents should, however, reconsider the convenience or inconvenience by taking note of the problems of their employees. The applicant by order of transfer dated 11.4.2000 came and joined at Dimapur and is still in the service at Dimapur. Though the applicant is a Yoga Teacher he is serving as a Games Teacher. His training and educational qualification does not suit as a Games Teacher and at the same time, the educational authorities are losing one Yoga Teacher. Dr. B.P.Todi the learned counsel for the Sangathan strenuously argued that power of posting and administering is vested on the Sangathan. The power is of discretionary nature submitted by Dr. Todi. Discretion reposes on public authority however, neither absolute nor unfettered. Public power is a trust and such authority thus required to exercise the discretionary power justify, reasonably and fairly. Any fettered discretion is anathema to the rule of law what is unjust, unreasonable and unfair is also arbitrary and therefore violative of Article 14 of the Constitution of India. Discretion exercised in transfer and posting of employee by the employer is also to be exercised justly and fairly by taking into consideration the relevant considerations overlooking the irrelevant consideration. The respondents being a public authority is required to conduct as a model employer and show utmost concern to the wellbeing and welfare of the employees also. When a request is made by the employee to the employers to safeguard of the educational interest of the children of the employee it cannot be said to be unreasonable demand. These things are undoubtedly to be gone into.

Contd..P.2/-



Situated thus, in my view justice will be met if a direction is given to the applicant to make a representation before the concerned officer of the Sangathan, the Director within fifteen days from the date of receipt of the certified copy of this order. In addition, the applicant may also send a copy of such representation to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar who shall in his turn also forward the same to the Commissioner, Kendriya Vidyalaya Sangathan. On receipt of the representation, the Commissioner, shall consider the same as per law and take necessary steps for accommodating the applicant in any available vacancy as per his choice. The respondents are directed to complete the exercise within a period of two months from the date of receipt of the certified copy of this order.

With this direction, the application stands disposed of."

3- Whereas Shri L.N. Yadav filed a representation dated 6.11.2000 in which he had submitted to consider his transfer from KV, Dimapur to any one of the following Kendriya Vidyalaya (1) Rewari (2) Alwar (3) Delhi (Manesar or Gurgaon) (4) Patiala (5) Jhajjar or any KV near Chandigarh Region in compliance of order passed by the Hon'ble CAT, Guwahati Bench dated 2.11.2000.

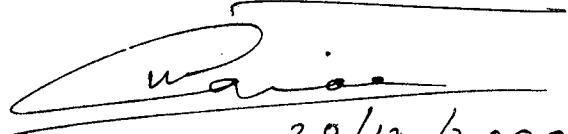
4- In terms of the directions of the Hon'ble tribunal as contained in para 2 of the order dated 2.11.2000, he is informed that he was found in excess to requirement in KV, Mehsana, due to fixation of staff strength. Such excess staff have to be redeployed in other Kendriya Vidyalayas where a clear vacancy is existing. Due consideration was given to the representations submitted by him from time to time for accommodating him at places of his choices. While redeploying such excess staff Mr. L.N. Yadav, Yoga Teacher vide his letter dated 10.12.99 requested to redeploying him in Nagaland. Accordingly his request was considered sympathetically and redeployed him in KV, Dimapur, as Yoga Teacher.

Contd... P.3/-



-3-

5- Having considered the submissions of the representationist carefully and sympathetically in compliance of Hon'ble CAT's Order Dated 2.11.2000, the undersigned rejects the request of Sh. L.N. Yadav, Yoga Teacher for modification of his transfer for want of clear vacancies of Yoga Teacher at the places of his other choice, requested after his deployment since his present posting was also made as per the request made by him.



20/12/2000
(H.M. AIRAE)
Commissioner

✓ Sh. L.N. Yadav,
Yoga Teacher,
KV, Dimapur.

Copy to:

- 1- The Principal, KV, Dimapur.
- 2- The Asstt. Commissioner, KVS, RO, Silchar with the request to apprise the position to Hon'ble CAT, Guwahati.


(P.K. Aggarwal)
Dy. Commissioner (Finance)

Tel : 00711/61360
Fax : 02712-60361
E-Mail acahmedabad@yahoo.com
kvsar_gnr@rediffmail.com

KENDRIYA VIDYALAYA SANGATHAN
(AHMEDABAD REGION)
GYANDEEP: SECTOR 30
GANDHINAGAR 382 030(GUJARAT)

F No. 21-1/98-KVS(AR)

Date: 30-3-2001

SPCLD PGS

OFFICE ORDER

1. KVS(HQ) New Delhi vide letter number F 18-1/99-KVS(Admn-1) dated 26-3-2001 has clarified that as per KVS(HQ) letter No.F 18-1/99-KVS(Admn-1) dated 8-5-2000 Senior Scale to Yoga Teachers cannot be granted before 01-01-2008 and all Yoga Teachers would be placed at the lowest tier of the scale and their residency period would start from 01-01-1996.

2. Accordingly, the senior scale of Rs.6500-200-10500 granted to Shri L N Yadav, Yoga Teacher of K.V ONGC Mehsana(Now in K.V Dimapur) vide this office order of even number dated 21-4-1999 is hereby withdrawn as he is not eligible to get senior scale w.e.f 1-1-1996.

He will be placed in the Entry Scale w.e.f 1-1-96 as per KVS(HQ) letter No.F 12-17/97-KVS(Admn-1) dated 3/11-2-1999 by the Assistant Commissioner, KVS(RO) Silchar as he is presently posted at KV Dimapur in Silchar Region. After refixing his pay as above by the A.I.O KVS, Silchar Region, the revised pay fixation order may be sent by the Principal, K.V Dimapur to the Principal, K.V. ONGC Mehsana for sending due drawn statement to the Principal, KV Dimapur for making recovery of overpayment made to him in this regard.

(Dr UN Singh)
Assistant Commisioner

Distribution

X8/5
30/3/00

- 1) Shri LN Yadav, Yoga Tr., KV Dimapur(Nagaland)(Through the Principal, KV Dimapur.)
- 2) The Principal, K.V Dimapur(Nagaland) with 2 copies. He is requested to handover one copy to the Teacher concerned.
- 3) The Assistant Commisioner, KVS(RO), Silchar for information and necessary action.
- 4) Shri GR Khurana, Sr. Admn. Officer, KVS(HQ) New Delhi with reference to his letter No.F 18-1/99-KVS(Admn.1) dt 26-3-2001. This office order No.F 21-1/98-KVS(AR) dt 21-4-99 was issued as per KVS(HQ) letter No.F 12-17/97(Admn.1) dated 3/11-2-99. The KVS(HQ) letter No.F 18-1/99-KVS(Admn.1) dated 8-5-2000 was issued much later after the issue of our order dated 21-4-99 i.e after one year and by that time Shri LN Yadav, Yoga Tr. was already transferred to KV Dimapur vide Transfer Order No. F 3-1(1)/99-KVS(E-IV) dt 11-4-2000. However, the said order dated 21-4-99 has now been withdrawn as per KVS(HQ) letter No.F 18-1/99-KVS(Admn-1) dt 26-3-2001.
- 5) The Principal, KV, ONGC Mehsana for information and necessary action.
- 6) The A.I.O, KVS(AR).

Em Sc

Sen a Sc

Sen a Go

Applicant(s) Sri L.N. Yadav

Respondents(s) K.V.S.

Advocate for Applicant(s) In person

Advocate for Respondent(s) Dr. B.P. Joshi
K.V.S.

Annexure No III

Page No 11

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

The legitimacy of the office order transferring the applicant as Yoga Teacher under Kendriya Vidyalaya Sangathan from Mehsne Kendriya Vidyalaya to Dimapur Kendriya Vidyalaya is under challenge. The order itself indicated that the applicant was transferred on surplus ground. The applicant questioned the validity of the said order as being arbitrary and discriminatory.

Shri L.N. Yadav who appeared in person submitted that earlier he was posted at Mehsane in Gujrat as Yoga Teacher. According to him, he informed the authority to post him anywhere where the instruction in Hindi medium is available so that the education of two of the sons of the applicant be admitted and instructed in Hindi medium. The authority without taking note of his plea transferred him to Dimapur where there is no Hindi medium school. He further submits that in Dimapur, there is no post of Yoga Teacher and presently, he is allotted the class of Game Teacher. Shri Yadav further pointed out that the communication issued vide No. F.1-3/2000-KVS (ESTT.III) dated 7.4.2000 by the Education Officer, Kendriya Vidyalaya Sangathan, New Delhi to the Assistant Commissioner, Kendriya Vidyalaya Sangathan sought for option from the concerned officers. By the said communication, the Education Officer also sought for the information and for to enable it to adjust the teachers who are to be rendered surplus. Further, the Assistant Commissioner was directed to send request of the teacher for choice posting and accordingly, advised him to request the teachers for five choices. Instead of complying with the aforesaid communication dated 7.4.2000, the respondents arbitrarily passed the impugned order bearing No. F.3-4(1)-99-KVS(ElV) dated 11.4.2000 transferring and posting the applicant at Dimapur.

Contd...

Notes of the Registry	Date	Order of the Tribunal
	2.11.00 Contd.	<p>The respondents have or filed any affidavit. Dr. B.P.Todi, learned counsel for KVS submitted that since the applicant had become surplus, he was to be posted somewhere as per policy and he was posted at Dimapur and that too, at his own request. Dr. Todi further stated that the applicant expressed his willingness to be posted at Dimapur with the communication dated 10.12.99 and 17.12.99. Shri Yadav fairly read out his communications dated 10.12.99 and 17.12.99 and stated that he sought for Nagaland and Manipur only on the impression that in these areas, the instructions in schools were made in Hindi medium. Shri Yadav categorically stated that he has no grievance to serve anywhere provided instructions are given in Hindi medium. Shri Yadav also stated that he sent representations to the authorities from time to time for posting him anywhere his options were given to the respondents in any of the choices at Rewari, Alwar, Jhajjar or Delhi. Shri Yadav also stated that he may be posted in any of the areas in and around Punjab and Chandigarh where Hindi medium schools are available.</p> <p>Dr. Todi, on the other hand, submitted that schools in the North Eastern zone are in acute need of teachers and, therefore, the applicant was brought to Dimapur for manning in the Kendriya Vidyalaya. The aforesaid order was passed bonafide and in the public interest. In view of the communication dated 7.4.2000 issued by the Education Officer to the Assistant Commissioners of all Regional Offices, the order dated 11.4.2000, without obtaining the option of the applicant seems to be hasty. The authority should have at least waited for such option from the concerned persons. However, taking note of the entire facts, the order as such cannot be faulted on that account alone. But the</p> <p style="text-align: right;">Contd..</p>



of the Registry

Date

Order of the Tribunal

2/11/00

facts remained ⁱⁿ ~~in~~ the respondents should, however, ⁱⁿ reconsider the convenience or inconvenience by taking note of the problems of their employees. The applicant by order of transfer dated 11.4.2000 came and joined at Dimapur and is still in the service at Dimapur. Though the applicant is a Yoga Teacher he is serving as a Games Teacher. His training and educational qualification does not suit as a Games Teacher and at the same time, the educational authorities are losing one Yoga Teacher. Dr B.P. Todi the learned counsel for the Sangathan strenuously argued that power of posting and administering is vested on the Sangathan. The power is of discretionary and nature submitted by Dr Todi. Discretion reposes on public authority however, neither absolute nor unfettered. Public power is a trust and such authority thus required to exercise the discretionary power justly, reasonably and fairly. Any fettered discretion is anathema to the rule of law; what is unjust, unreasonable and unfair is also arbitrary and therefore violative of Article 14 of the Constitution of India. Discretion exercised in transfer and posting of employee by the employer is also to be exercised justly and fairly by taking into consideration the relevant considerations overlooking the irrelevant considerations. The respondents being a public authority is required to conduct as a model employer and show utmost concern to

Contd..

Notes of the Registry	Date	Order of the Tribunal
24	2.11.00	<p>the wellbeing and welfare of the employees also. When a request is made by the employee to the employer to safeguard of the educational interest of the children of the employee it cannot be said to be unreasonable demand. These things are undoubtedly to be gone into.</p> <p>Situated thus, in my view justice will be met if a direction is given to the applicant to make a representation before the concerned officer of the Sangathan, the Director within fifteen days from the date of receipt of the certified copy of this order. In addition, the applicant may also send a copy of such representation to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar who shall in his turn also forward the same to the Commissioner, Kendriya Vidyalaya Sangathan. On receipt of the representation, the Commissioner shall consider the same as per law and take necessary steps for accommodating the applicant in any available vacancy as per his choice. The Respondents are directed to complete the exercise within a period of two months from the date of receipt of the certified copy of this order.</p> <p>With this direction, the application stands disposed of.</p>

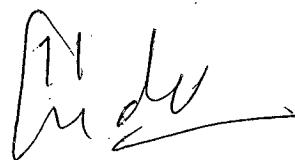
Sd/VICE CHAIRMAN

Muna no-304

Copy for information and necessary action to

✓) Shri L.N. Yadav, Yoga Teacher,
Kendriya Vidyalaya, Dimapur, Nagaland.

✓) Dr. B.P. Todi, Advocate, Gauhati High
Court, Gauhati.



14/12/2000
N Deputy Rapdshm
14/12/2000

To

The Assistant Commissioner, KVS,
Regional Office Silchar,
Hospital Road
SILCHAR. (ASSAM)

* Through Proper Channel *

Sub:- For Transfer.

Sir,

With due respect, I have the honour to inform you that I have filed an application against the transfer order No.3-1(1) -99-KVS(EIV) dated 11.04.2000 from KV. Mehsane(Guj.) to KV.Dimapur (Nagaland) on public interest on surplus ground and challenged it in the CAT Guwahati Bench vide an application No.311 of 2000. The Tribunal has ordered as follows on 02.11.2000 to make a representation before the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office Silchar who shall in his turn also forwarded the same to the Commissioner Kendriya Vidyalaya Sangathan(H.Q.) New Delhi.

The honourable Mr.Justice.D.N.Chowdhury Vice Chairman the CAT Guwahati Bench was pleased to pass an order on 02.11.2000 to consider my transfer from K.V.Dimapur to any one of the following Kendriya Vidyalaya (1) Rewari (2) Alwar (3) Delhi (Manesher or Gurgaon) (4) Patiala (5) Jhajjar or any KV near Chandigarh Region.

The attested copy of the above order of Tribunal is attached herewith for your information, record and necessary action, please.

Thanking you,

Yours faithfully,

(L.N. YADAV)

YOGA TEACHER

KENDRIYA VIDYALAYA
DIMAPUR NAGALAND.

Copy to:-

The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
NEW DELHI-16

03 copies with enclosures at 01.45 pm

Received 03 copies with enclosures at 01.45 pm
11/11/2000
KENDRIYA VIDYALAYA
DIMAPUR NAGALAND



AN

KENDRIYA VIDYALAYA SANGATHAN
18, Institutional Area
Shahid Ject Singh Marg
New Delhi - 110 016

No. F.4-1 (SUR)/2000-KVS (E.IV)

Dated 30.8.2000

TRANSFER ORDER

Due to fixation of staff strength in Kendriya Vidyalayas for the year 2000-2001, the staff in excess of the sanctioned strength in certain Vidyalayas is required to be redeployed outside the region. Accordingly the following SUPW teachers are redeployed in the Kendriya Vidyalayas shown against their names in public interest with immediate effect :-

Sl. No.	Name of the teacher	Transferred From	Transferred To
1.	2.	3.	4.

CALCUTTA REGION :-

1. Sh S Ghosh	Bagdogra	Durbhanga
2. Sh PS Das	IIMC Joka	Shaktinagar
3. Sh SK Chakraborty	Sivasagar	

JABALPUR REGION :-

1. Sh SR Tiwari	Dhanpuri	No.1 Ahmednagar
2. Sh AK Soni	No.1 Katni	MIRC Ahmednagar
3. Sh JP Gupta	Singrauli	ONGC Surat No.4
4. Sh MI Khan	Dhana	Rajkot
5. Sh DK Ralhan	AOC Jabalpur	Nehru Nagar
6. Sh RD Sahu	Shahdol	VRDE Ahmednagar
7. Sh BB Singh	Baikunthpur	CAIL Jhabua

LUCKNOW REGION :-

1. Sh RK Vishwakarma	No.1 Chakeri	Chopan
2. Sh M Ahmad	No.1 Chakeri	Kedla Nagar
3. Sh SAKMS Zaidi	No.1 Agra	Sahrasa
4. Sh RK Gupta	AMC Lucknow	Rihand Nagar

SILCHAR Region :-

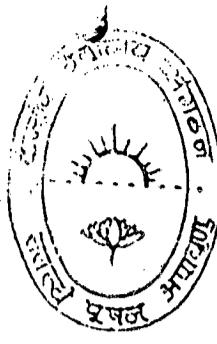
1. Smt B Nessa	Duliajan	No.1 Fuzpur
2. Sh N Poresh Singh	Lengjing	No.2 Tengzir
3. Sh AJ Laskar	Masimpur	Happy Valley
4. Sh A Bhattacharjee	Dimapur	Upper Shillong

Received 09/2000

7/9/2000

Cont...2

Am
gd



A/C. Tele/FAX No. 02712 11361

Gram : KEVISANG

Tele Phone : 20711 21360 } Admin./Ex
} Accounts

केन्द्रीय विद्यालय संगठन

(सेवीय विद्यालय संगठन गोपनीय)

KENDRIYA VIDYALAYA SANGATHAN

(Regional Office : AHMEDABAD REGION)

क्षेत्र नं. १६१/४, सेक्टर नं. ३०, गांधीनगर-३८२०३० (गुजरात)

Quarter No. 161/4, Sector No. 30, GANDHINAGAR 382030

(Gujarat)

NO. 1 19-1/99/प. दि. सं. ४५०. क्र. १

Date : 24 SEP 1999

S.O. 6

110/199

डॉ पी० डॉ तिवारी

उपायुक्त ४ प्रशासन ४

केन्द्रीय विद्यालय संगठन ४ मुख्यालय ४

नई फ़िल्मी - 110 016.

विषय :- स्थानान्तरण देतु अभ्यासेवन ।

महोदय,

उपरोक्त विषयान्तर्गत मुझे छहना है कि श्री लक्ष्मी नारायण यादव, योग विद्यालय, केन्द्रीय विद्यालय, मेहसाणा का स्थानान्तरण सर्वधी उपरोक्त-पत्र अंतर स्थानान्तरण आवेदन पत्रों को के. दि. सं. ४५०४ में भेजा गया था ।

क्र. No. ३. Volume - II लेखिन वी यादव का नाम स्थानान्तरण प्राधिकिता सूची में नहीं है । अतः श्री यादव ने प्राधिकिता सूची में अपना नाम समिप्रतित छरने देतु प्राचार्य के माध्यम से अपना अभ्यासेवन भेजा है, जो मूल रूप में आपने सहानुभूति पूर्वक दियार छरने देतु भेजा जा रहा है ।

संग्रह : - अभ्यासेवन ।

गवाईय

प्रतिलिपि:-

डॉ उ० ना० सी० ४
सहायक उपायुक्त

प्राचार्य, केन्द्रीय विद्यालय, मेहसाणा को उनके दिनांक : - १५-०९-९९ के पुष्टांकन के संपर्क में सुचनार्थ ।

क्र. नं. ११५

सहायक उपायुक्त

Smt. *ACCURATE*

प्राचार्य का अधिकारी

प्राचार्य का अधिकारी

1. 31/12/2014 (2014/15) 11/12/2014 (2015/16)

Am gl

Transfer Type

02

0	1	1
0	1	5

REGION CODE

0	1	5
---	---	---

STATION CODE

0	2	7
---	---	---

K.V. CODE

APPLICATION FOR TRANSFER ON REQUEST 2000-2001
(Read instructions carefully before filling up)

1. Name

L N Y A D A V

2. Date of Birth

18 01 1954

3. Date of appointment to the present Post

24 10 1981

4. Date from which posted at the Vidyalaya/Station

10 07 1987

5. Whether Male/Female

M

6. Post held

MSC

7. Sub Code

20

8. Grounds for Transfer

LTR (Voluntary)

a) Death of spouse within a period of two years preceding the date of application (Y/N)

b) Medical Grounds (See Instructions) (Y/N)

c) Others (See instructions for following Codes):

Y
U

Category Code

678
123

Division Code

03
12

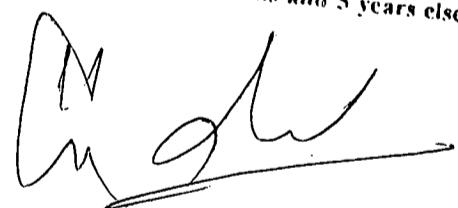
Entitlement Points

20
10

d) Completion of 3 years of continuous service in NE & Hard Stations and 5 years elsewhere excluding the period of absence (Y/N)?

Total : A

10



20

MEDICAL CERTIFICATE

Signature of patient _____

Address _____

I, Dr. _____

(Name & Designation) _____

(Hospital & place) _____

~~After careful personal examination of the case, hereby certify that~~

~~(Full medical nomenclature of the ailment in CAPITAL LETTERS)~~ _____ and that

~~Treatment of this disease is not at all available at this station or its vicinity. It is further certified that~~ _____
~~Is within the parameters prescribed by the KVS at Panaji.~~

Place: _____

Date: _____

Signature of the competent authority _____

Designation _____

Seal of the Competent authority _____

DECLARATION

(Kindly fill the Information in bold letters. Strike out whichever is not applicable)

I _____, solemnly declare that my spouse _____ is present

Employed at/under orders of transfer to _____ since _____ (place) _____ (Designation) _____

His/Her full office address with Name and Designation of immediate superior _____

of self-employment is/are as follows:

Name and Office/Registered Business or
Professional Address of spouse _____

Name and Address of Immediate
Superior Officer or Representative
Business/Professional _____

Signature of the Employee
Name _____
Designation _____

For Office use only in Kendriya Vidyalaya
*(Strike out whichever is not applicable)

1. *Disciplinary case is pending/contemplated not pending/not contemplated against
Shri/Smt. _____ L.N. Yadav _____
2. *The medical certificate/declaration given in the application itself is from the competent authority.
3. *Certified that the details including entitlement points furnished by the applicant have been verified from the concerned authority.
4. *She/He was on leave/absent/absent without pay during _____ and is still away/not away from duty.

Place: Mehsana

Date: 8.2.2000

Signature _____


DHEER SINGH

Name of the Principal _____

Office Seal _____

PRINCIPAL

केन्द्रीय विद्यालय
KENDRIYA VIDYALAYA
भोपाल (मध्य) : O.N.G.C
महेसुना (MEHSANA)
Pin Code-381002

Kendriya Vidyalaya Sangathan
(O&M Section)

No. 5.39-1/2000/KVS(O&M)

18, Institutional Area,
Shaneed-e-Singh Marg
New Delhi-110016
Dated: 28-06-2000Subject:- Staff sanction modification order for the academic
session 2000-2001

Sanction of the competent authority is hereby
conveyed for creation of the following posts of Yoga Teachers
against the Vidyalayas mentioned each for the academic session
2000-2001:-

S.No.	Name of the K.V.	No. of post	Name of the K.V	No. of post
	<u>Bombay:</u>		<u>Patna:</u>	
1.	Bandup	1	1. No.1 IOC Barauni	1
2.	Ambernath	1	2. No.2 IOC Barauni	1
3.	SC Pune	1	3. Samastipur	1
4.	No.1 Colaba	1	4. Hinoo Ranchi	1
			5. DLW Varanasi	1
	<u>Chennai:</u>		<u>Calcutta:</u>	
1.	HVP Avadi	1	1. Bagdogra	1
2.	APS Tambaram	1	2. IOC Haldia	1
3.	Coinbatore	1	3. IIMC Joka	1
4.	Pangode TVM	1	4. NTPC Farakka	1
5.	Ottapalam	1		
6.	Port Trust Cochin	1		
	<u>Chandigarh:</u>		<u>Jaipur:</u>	
1.	No.2 Jullundur	1	1. No.1 Ajmer	1
2.	No.1 Adampur	1		
3.	No.4 Bhatinda	1		
	<u>Hyderabad:</u>		<u>Delhi:</u>	
1.	No.2 Golconda	1	1. Arjungarh	1
2.	Rddumilaram(Medak)	1	2. Sec.4 RK Puram	1
3.	Kanchanbagh	1	3. APS Rajokari	1
		1	4. SP Marg	1
	<u>Bangalore:</u>		5. No.4 Delhi Cantt	1
1.	IISc. Bangalore	1		
2.	WAP Yellashanka	1		
3.	No.1 Mangalore	1		
	<u>Dhapel:</u>			
1.	Babina Cantt	1		

Copy to:

1. The Asst. Commissioner, KVS, ROs, concerned.
2. The Principal, KV, concerned.
3. Guard file.
4. SO (E-IV)/E-III.

K. Somasskharan
(K. Somasskharan)
Section Officer

G. M. A.

KENDRIYA VIDYALAYA SANGATHAN

(O & M Section)

1-1/2000-01/kvs (O&M)

Dated : 11.09.2000

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
All Regional Offices.

Subject :- Staff Sanction for the Academic Session 2001-2002

Sir/Madam,

I am to refer to the subject noted above and to forward herewith a set of proforma regarding staff sanction of vidyalayas (Annexure II). A copy of the distribution of periods is also attached (Annexure-I).

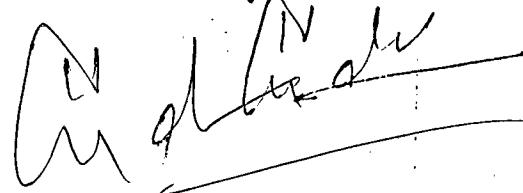
As you are aware that K.V.S. has taken the exercise to stabilize the sections in K.V.S. because of budget constraint and to use the available infrastructure created by K.V.S. Your attention is drawn that the infrastructure should be good quality and maintained better. Hence if temporary accommodation is available and being utilised, it should be phased out in due course of time.

With the advancement of information technology, some additional requirement should be planned. It is the Principal of K.V. who should decide if one or two computer laboratories are required and how to manage the space by reallocating the other departments or otherwise. A small vidyalaya can manage the elective subject +2 same. Hence the details of other rooms should be clearly defined by stating their utility and then the proposed plan in the letter of the Principal.

K.V.S. decided to follow 8 periods of time table for all classes. This may result some minor changes in the staff sanction for the vidyalayas. Hence a complete exercise or review is to be undertaken by KVS (HQ). For this, the correct information from K.V. and examination at R.O. level will be essential. Therefore, the following points be kept in view :

1. The information should be filled up carefully and checked up at vidyalaya level.
2. The projected enrolment be justified based on 3-5 years statistics of registered children from priority category should be reflected. These informations should be endorsed by the Chairman, Vidyalaya Management Committee.
3. For additional section or upgradation, a resolution of VMC or recommendation of the Chairman should be enclosed. For this there should be confirmation of availability of infrastructure facilities.

Verified by me



20

4. The reference date for enrolment in different classes and for reflecting the outstanding dues of Project Sector KVs may be taken to be 31/08/2000
5. Wherever there is a cluster of KVs, the A.C. may give rationalised plan for providing the various streams at +2 as per demand based on previous years. This is essential to make optimum utilisation of man and material resources.

The percentage for admission for science and commerce stream is likely to be raised to 60% and 55% respectively from the academic session 2001-2002.

While recommending the staff, the combination of children should be kept in view.

There is slight change in the formats and Principals be asked to submit these proforma to you by 15th October, 2000. All proposals of your region should be sent to KVS (HQ) by 31st October, 2000 with your recommendations.

Yours faithfully,

Puran Chand

(Puran Chand)
Joint Commissioner (Acad.)

ANNEXURE-I

DISTRIBUTION OF TIME PERIODS

The schools function six day per week (Except second Saturday of each month) with 08 periods of 40 minutes duration each. The allotment of periods per subject/activity per week are given below.

Subject	Class I to IV	Class V	VI-VIII	IX	X	XI-XII
English	8/7	8/7	6/7	8/7	8/7	6 for Core. 9 for Elective
Hindi	7/8	7/8	7/8	7/8	7/8	6 for Core. 9 for Elective
Sanskrit	...	2	3	2	...	9 Elective
Mathematics	8	8	7	8	8	9 Elective
Environmental Studies/ Science	8	8	6	6	8	9 x 4 = 36
Social Science	6	8	8	9 x 4 = 36
Work Experience/Computer Lit. & Arts	5	5	5	3	4 x 3 (one after School hours)	
Music/CCA	5	4	3	2	2	...
General	...					

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12

12 A

Annexe 10

Page No. 24

M/

Q

KENDRIYA VIDYALAYA, INA COLONY, NEW DELHI - 110 048

4.6.1998

RELIEVING ORDER

Shri/Smt A. N. YADAV, Yoga Teacher,
Kendriya Vidyalaya No. Mehkane reported this
Vidyalaya on 6/7/98 PN/AN in connection with attending 3 months
Yoga Training Course (5th May 98 to 4th Aug 98) Organised by KVS(HQ)
New Delhi vide Letter No. F4-1/96-KVS(Adm) Yoga Trng. dated 26. 10.
He/She was relieved on 4.6.1998 (AN) after completion of the training
period.

He/She was not provided free boarding & lodging.

SK/Smt A. N. YADAV
Yoga Teacher

K.V.No. Mehkane

copy to:-

Principal, K.V., Mehkane

12 A/P/1998

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Kaivalyadhama,
Shreeman Madhava Yoga Mandira Samiti
Lonavla (Dist. Poona)

This is to certify that

Sonu Lavemi Narayan Yadav (Session 1980-81)

of G. S. College of Yoga and Cultural Synthesis, Lonavla
has completed the course of studies, instituted
for the Diploma, to the satisfaction of the
authorities of the Samiti and so the

DIPLOMA IN YOGA EDUCATION

is conferred on him / her

In testimony whereof is set the seal of the Samiti.

Subjects for the course of studies were :

I) Theory :

1. Yoga and Mysticism
2. Yoga and Cultural Synthesis
3. Anatomy and Physiology of Yogic Practices
4. Yoga and Mental Health
5. Yogic Texts

II) Practical Training in Yoga

III) Practice Teaching

He / She was placed in Grade Second in theory.

Grade Second in Practicals and Grade Third in Teaching.

Overall Grade Obtained Second.

12

Secretary,
Kaivalyadhama
S. M. Y. M. Samiti

Lonavla 13th August 1998

Signature of the Holder
Signature of the Diploma-holder

Malleshwarananda

Chairman,
Kaivalyadhama
S. M. Y. M. Samiti

Malleshwarananda

134
Annuvre No 17 Page No 26

RAJYA_SABHA

UNSTARRED QUESTION NO. 1483
TO BE ANSWERED ON 11TH DECEMBER, 1998
AGRAHAYANA 20, 1920 (SAK. 1)

GRIEVANCES OF YOGA TEACHERS IN KENDRIYA VIDYALAYAS
1483. SHRI_P_URG_CHALIHAI
SHRI_GOVINDRAM_MIRI:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) the details of grievances of Yoga teachers in Kendriya Vidyalayas, as represented by RKVAS(Jagat);

(b) whether it is a fact that some of the aggrieved Yoga teachers hav: threatened to self-immolate if the grievances were not redressed by 15th December, 1998; and

(c) if so, the stand and reaction of Government thereto?

A N S W E R
MINISTER_OF_HUMAN_RESOURCE_DEVELOPMENT
(DR. MURLI MANOHAR JOSHI)

(a): The following are the demands of Rashtriya Kendriya Vidyalaya Adhyapak Sangh (Jagat) for Yoga Teachers.

- 1) Grant of Trained Graduate Teacher Scale.
- ii) Restoration of Teaching Allowance.
- iii) Grant of Senior and Selection Scale.
- iv) TA/DA for attending In-service course.
- v) Supply of kit.

(b): One Yoga teacher had threatened to self immolate on 23rd November, 1998 if his following grievances were not settled.

- i) Confirmation as Yoga teacher;
- ii) Conversion as Physical Education Teacher; and
- iii) Grant of Selection Scale/Higher Scale of pay etc.

....., -



He however informed Commissioner on 23.11.98 that he was withdrawing and postponing his self immolation.

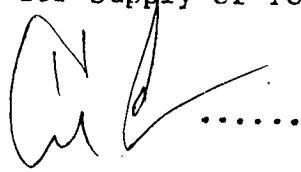
(c): There are well defined guidelines/rules for confirmation and conversion of Yoga teachers and those Yoga teachers who fulfil these requirements are confirmed/converted into Physical Education Teacher(PET).

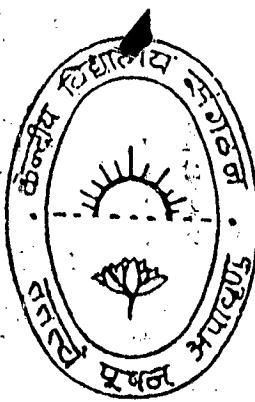
The above referred Yoga teacher has not been confirmed since a disciplinary case is pending against him. He could not be converted into PET as he does not fulfil the requirements.

The demand for granting Trained Graduate Teacher(TGT) scale of pay (including Senior and Selection Scale) to eligible Yoga teachers of Kendriya Vidyalaya Sangathan is under consideration of the Government. The teaching allowance would stand abolished with effect from 1.1.96 if the TGT scales of pay are granted to Yoga teachers. Further, Kendriya Vidyalaya Sangathan have informed that restoration of teaching allowance to Yoga teachers is under examination.

Kendriya Vidyalaya Sangathan have issued orders for grant of TA/DA for participation of such Yoga teachers who have completed training programme conducted from 7.5.97 to 1.8.97 at Lonawala and from 5.5.98 to 4.8.98 at New Delhi.

Kendriya Vidyalaya Sangathan have also informed that funds are released for supply of Yoga equipments whenever demand is received.





केन्द्रीय विद्यालय संगठन

(सेवीप इरायन्य अहमदाबाद मेहसाना)

KENDRIYA VIDYALAYA SANGATHAN

(Regional Office : AHMEDABAD REGION)

कार्यालय नं. 161/4, सेक्टर नं. 30, गांधीनगर 382030 (गुजरात)

Quarter No. 161/4, Sector No. 30, GANDHINAGAR 382030

(Gujarat)

NO. F 6-9/98/KVS(AR)

दिनांक : 23 FEB 1999
 Date :

ORDER

1/1 WHEREAS, disciplinary proceedings under CCS(CCA) Rule, 1965 was contemplated against Sh LN Yadav, Yoga Teacher, Kendriya Vidyalaya, ONGC Mehsana as per the instructions contained in KVS(Vig) letter No. F 8-4/97-KVS(Vig) dated 07-01-1998.

02 WHEREAS, a preliminary inquiry against the said Sh LN Yadav, Yoga Teacher was ordered to inquire into the alleged charges of misconduct and unbecoming behaviour of Sh Yadav, appointing Dr SN Pandey, Principal, KV No. 1, MR Campus, Ahmedabad by the undersigned in the capacity of Disciplinary Authority vide office order No. F 6-9/98/KVS(AR) dated 23-01-1998.

03 WHEREAS, Dr SN Pandey, IO submitted Inquiry Report together with his observations and findings into the charges levelled against Sh Yadav, CO after conduct of inquiry vide his letter No. KVA/Conf/97-98/778 dated 04-03-1998.

04 WHEREAS, the undersigned, after careful examination and verification of documents on records of the case as well as Inquiry Report and findings of IO, issued charge sheet vide letter No. F 6-9/98-KVS(AR) dated 20-03-1998 to the said Sh LN Yadav, CO together with copies of preliminary inquiry and related documents informing the CO to submit his written statement of defence within 10 days of the receipt of the aforesaid memorandum dated 20-03-1998.

05 WHEREAS, Sh LN Yadav, CO submitted his written statement dated 04-01-1999 in defence against the articles of charge framed vide memo dated 20-03-1998 vide which he refuted all the charges and offered unqualified apology for the inconvenience and embarrassment caused to concerned persons.

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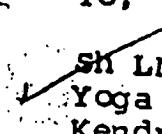
06 WHEREAS, the undersigned, being the prescribed Disciplinary Authority, after considering the aforesaid statement/representation dated 04-01-1999 of Sh LN Yadav, CO in the light of articles of charge and supporting documents on record, and has come to the conclusion that the charges of misconduct/misbehaviour levelled against Sh LN Yadav, Yoga Teacher are not maintainable and require no further inquiry into the case.

07 NOW, therefore, the undersigned hereby orders to drop all the charges levelled against Sh LN Yadav, Yoga Teacher, vide charge memo No. F 6-9/98/KVS(AR) dated 20-03-1998.


(Dr UN Singh)
Asstt Commissioner &
Disciplinary Authority

Reqd AD

To,


Sh LN Yadav
Yoga Teacher
Kendriya Vidyalaya
ONGC Mehsana

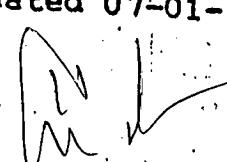
Copy forwarded to :-

Reqd AD

01 The Principal, KV ONGC Mehsana alongwith a spare copy of above order for keeping in the Personel file of Sh LN Yadav, Yoga Teacher. He is also requested to make necessary entry in the Service Book of Sh Yadav.

02 The Asstt Commissioner(Admn), KVS New Delhi.

03 The Sr Administrative Officer(Vig), KVS New Delhi with reference to his letter No. F 8-4/97-KVS(Vig) dated 07-01-1998.


Asstt Commissioner

S 2229

KENDRIYA VIDYALAYA SANGATHAN
 18 INSTITUTIONAL AREA
 SHAHEED JEET SINGH MARG
 NEW DELHI - 110 016

F.No.12-17/97-KVS(Admn-I)

3-2-1999

To

The Assistant Commissioner
 Kendriya Vidyalaya Sangathan
 All Regional Offices.

Sub: Revision of pay scale of Yoga Teachers in
 Kendriya Vidyalayas - regarding.

Sir/Madam,

In continuation of this office letter of even number dated the 6th February, 1998, I am directed to convey the approval of the Competent Authority for the adoption of the following pay scales for Yoga Teachers working in Kendriya Vidyalayas w.e.f. 1-1-1996 :

Entry Scale	Senior Scale	Selection Scale
-------------	--------------	-----------------

(A)

Yoga Teachers Possessing a Bachelor's Degree with 3 months' training in Yoga from a recognised institution.

5500-175-	6500-200-	7500-250-
9000	10500	12000

(B)

Yoga Teachers not possessing qualifications mentioned at (A) above.

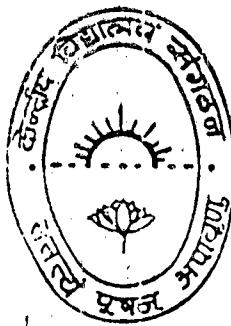
4500-125-	--
7000	

2. Yoga Teachers, who do not possess the qualifications mentioned at (A) above, will be entitled



Annusund (72) (14) Page 180 28 A

CS Tele/FAX No. 02712 21361
Gram : 'KEVISANG'
Tele Phone : 20711 } Admn./E-
21360 } Accounts



केन्द्रीय विद्यालय संगठन

(संघीय कार्यालय-अहमदाबाद-संभाल)

KENDRIYA VIDYALAYA SANGATHAN

(Regional Office : AHMEDABAD REGION)

करा'टर नं. १६१/४, सेक्टर नं. ३०, गांधीनगर-३८२०३० (गुजरात)।

Quarter No. 161/4, Sector No. 30, GANDHINAGAR-382030

(Gujarat)

NO. F-4-1/99-2000/KVS(AR)Accts.

दिनांक : 26 April 1999
Date :

To

The Principal
Kendriya Vidyalaya
ONGC, Mahsana

56
S.S. २७

Sub:- Fixation of pay in Senior Scale
granted to Sh. L.N. Yadav, Yoga
Teacher w.e.f. 1-1-1996/

Sir,

Consequent upon the grant of Senior Scale w.e.f
1-1-1996 to Sh. L.N. Yadav, Yoga Teacher vide this
Office letter No. F.21-4/98-KVS(AR) Dated 21-1-1999,
the pay of Sh. Yadav may be fixed as under:-

Date	Pay in ordinary scale as on 1-1-1996 Rs.	Pay in Senior Scale of Rs.
	55-175-9000	6500-200-10500

1-1-96	(6200)✓	6500 with the date of Next incre- ment 1-5-96. if otherwise ✓ admissible
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Necessary entry regarding the fixation of pay
may be made in the Service Book of Sh. L.N. Yadav,
under proper attestation.

Yours faithfully,

W.M.
W.M.
(S. S. MAKWANA)
Sup't. of Account

Annexe No (15) SPEED POST
KENDRIYA VIDYALAYA BANDHAN Page No 28
15

18 - Institutional Area
Shaheed Jeet Singh Marg
New Delhi - 110 016

NO. P. 18-3/98-KVS (ADMN-I)

Dated : 24-02-1998

The Assistant Commissioner
Kendriya Vidyalaya Sangathan
ALL REGIONAL OFFICES.

Sub. : Revision of Pay Scale of Yoga Teachers - Grant
of three tier pay scale.

Sir,

I am to refer to the subject cited above and to
say that a proposal for grant of Pay Scale to Yoga Teachers
at par with IOTs/other Misc. Categories Teachers has already
been sent to the Ministry of HRD for necessary approval. As
soon as the decision is conveyed by the Ministry of HRD, the
same will be communicated. KV in your Region may be
informed accordingly.

Yours faithfully,


(P.K. TIWARI)
DY. COMMISSIONER (ACAD.)

Copy to :-

1. All Recognised Teachers Associations.
2. Sh. Laxmi Narain Yadav, Yoga Teacher, KV ONOC
Mehsana with reference to his representation on
the stamp papers of Rs.2/- each (five sheets)
dated 17-2-98.
3. E-IV Section together with representation on the
stamp papers of Rs.2/- each (five sheets) dated
17-2-98 for taking action on other issues.
4. The Principal, KV ONOC Mehsana with a request to
inform Shri L. N. Yadav, Yoga Teacher of his Vidyalaya
accordingly.


DY. COMMISSIONER (ACAU.)

THE TIMES OF INDIA, NEW DELHI

22-12-2000

Tribunals have power to punish, rules SC

By Rakesh Bhatnagar

The Times of India News Service

NEW DELHI: Boosting a government official's right to have favourable orders implemented fast, the Supreme Court has ruled that administrative tribunals dealing with government personnel service matters enjoy, like the high courts and the apex court, the power to initiate contempt action and punish a contemner.

In the absence of clarity on the issue — the provisions of the Contempt of Courts Act are not incorporated in the text of the Administrative Tribunals Act — government departments had been taking lightly the orders passed by the Central Administrative Tribunal.

However, the court explained last week: "While reading the provisions of the CCA in the context of tribunals, the same will be so read as to read the word 'tribunal' in place of the word 'high court' wherever it occurs, subject to the modification set out in section 17 of the Administrative Tribunals Act."

A three-judge Bench comprising Chief Justice A S Anand, Justice R C Lahoti and Justice K G Balakrishnan set aside the Andhra Pradesh high court judgment which had said that CAT does not have the power to punish a person defying or disobeying its orders.

The apex court also noted that its 1997 decision has nowhere said that orders of a tribunal holding a contemner guilty and punishing him for contempt should also be subject to judicial scrutiny of a high court under Articles 226 and 227 of the Constitution.

The questions involved in the appeals were:

- Whether the Administrative Tribunals have the power to punish for their contempt.

• Whether, after the decision of the apex court in *L Chandra Kumar v Union of India and others* (1997), section 17 of the Administrative Tribunals Act, which gave contempt power to them, did not survive and had been rendered unconstitutional or otiose.

Following the 1997 Supreme Court judgment, the high court had quashed contempt proceeding initiated by the Andhra Pradesh Ad-

ministrative Tribunal on a complaint filed by T Sudhakar Prasad against the state government and its principal secretary for disobeying the AT's orders. The high court held that the AT had no contempt power.

The high court, had, however, initiated contempt proceedings on another petition directly filed before it for a wilful-contempt of an order of the same tribunal.

Settling the issue for good, the Supreme Court noted that its 1997 decision relied upon by the high court had not declared *ultra vires* the Constitution the provisions of Article 323-a (2)(b) and Article 323-b(3)(d) dealing with the creation and functions of the tribunals or section 17 of the Administrative Tribunals Act, 1985, granting contempt power to the tribunals.

The high court, the apex court said, had proceeded on the reason-

ing that since the tribunal has been held to be subordinate to the high court for the purposes of Articles 226 and 227 and its decisions made subject to judicial review of the high court under Articles 226 and 227, the right to file appeal to the Supreme Court against an order passed by the tribunal punishing for contempt under section 17 of the Administrative Tribunal Act was defeated on these twin grounds and the section became unworkable and unconstitutional.

However, any order or decision of a tribunal punishing for contempt shall be appealable only to the Supreme Court within 60 days from the date of the order in view of the specific provision contained in section 19 of the CCA, 1971, read with section 17 of the Administrative Tribunals Act, the apex court ruled.

Noted Supreme Court lawyer Jitender Sharma while lauding the judgment said: "It has given teeth to the tribunals". He said there was an urgent need to amend the Act to make the tribunals' orders amenable to Supreme Court jurisdiction alone. "Since the members of the tribunals are on par with high court judges, there is no justification for rendering their orders subordinate to the high courts", Sharma added.

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KENDRIYA VIDYALAYA SANGATHAN
(ESTD. IV SECTION)
16, INSTITUTIONAL AREA,
SHAHEED JEET SINGH MARG,
NEW DELHI - 110 015

Regd

No. F. 3-1(1)/99-KVS(E.IV)

Dated: 11/4/2000

OFFICE ORDER

The transfer of the under mentioned employee(s) is/are hereby ordered with immediate effect in public interest on surplus ground:

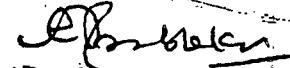
Sl. No. Name of the employee with designation

Transferred
From K.V. To K.V.

1. Shri L.N. Yadav, Yoga Tr. Mehsana Dimapur
(One case only).

The above employee is entitled to TA, joining time etc. as per KVS Rules.

This issues with the approval of Commissioner, KVS.


(Dr. E. Prabhakar)
Education Officer

Copy to:-

- 01- Individual concerned.
- 02- The Principal, KV, Mehsana alongwith the copy of transfer order in respect of above employee with the direction to handover the copy to him/her & his/her dated signature may please be obtained. He/She may immediately be relieved. He/She may be paid TA etc. as per KVS Rules. His/Her date of relief should immediately be intimated to this office.
- 03- The Asstt. Commissioner, KVS, RO, Ahmedabad/Silchar.
- 04- The Principal, KV, Dimapur. The date of joining in respect of above employee should promptly be intimated to this office.
- 05- Guard file.


A. D.

(B)

KENDRIYA VIDYALAYA PROJECT SEWAK(DIMAPUR)

Dated:- 05.05.2000

This is to certify that there are only two (02) sections in each class from class I to Class XII. Mr. L.N.Yadav has joined this Vidyalaya as Yoga Teacher on 28.04.2000. He has been not attotted any Govt. accommadation, here. As there is no such facility in this location.



Lai H.

05/05/00

PRINCIPAL

KENDRIYA

VIDYALAYA

NO. F. 1-1/2000-KVS (ESTD. III)

Untoate 7/4/2017

SPEED POST

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The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
All Regional Offices.

Sixty-third

As you are aware some teachers in your region might have been rendered surplus as a result of fixation of strength of teaching & non-teaching staff for the year 2000-2001. In order to enable us to adjust them according to their convenience, to the extent possible the following information is urgently required.

11. Name of the teacher (Com-
plete designation should
be mentioned
alongwith
subject in
brackets). Post
Code should
be the same
as given in
the KVS letter
No. dated
20.12.99
Inviting applica-
tions for
transfer.)

Date of birth, with date of joining in for posting ion w.r.t. that K.V. (please In- adjustment please indi- dents the in the relevant Region.

cate code of the KVS where the teacher was posted prior to his/her being rendered surplus as also the date of his joining that K.V.).

Code of the station where the teacher is seeking posting. The teacher may be requested to give 05 choices.

Please arrange all the choices in order of preference).

The position of vacancies in the format already circulated vide our letter dated 30.12.99 may also be furnished simultaneously.

As already desired, the details of teachers who have completed stay of 05 years at a station in your Region, may be furnished in case the same has not been furnished so far.

It may please be ensured that the above information furnished urgently to the Kendriya Vidyalaya Sangathan by FAX ~~as well as~~ by SPEED FAX so as to reach us by 12th April 2000.

Yester Continuity,

Q. B. M. D. (E. PRABHAKAR)
EDUCATION OFFICER

No. F. 2-10/KVS (S.P.) /2000/

Dates: 10.4.2000

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