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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No... 320/2002

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

E.P/M.A No. 18/03

Disposed date- 16/06/03

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14. Amendment Reply by Respondents

15. Amendment Reply filed by the Applicant

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SECTION OFFICER (Judl.)

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No : 320/02

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant (s) A. K. Singh

-Vs-

Respondent (s) H. C. I. Town

Advocate for the Applicant (s) Mr. S. Sarma, Mr. U. Das

Advocate for the Respondent(s) C.G.S.C (K.V.S)
M.K. Mazumdar

| Notes of the Registry | Date | Order of the Tribunal |
|--|------------|--|
| <p>79575305</p> <p>Dtd. 24.9.02</p> <p>steps allograth taken.</p> <p>envelopes</p> <p>Notice prepared and sent to SAC for my 5th respondent No. 1 to 5 for Regd. M.D.</p> <p>21/9/02</p> <p>18/10/02</p> <p>21/10/02</p> <p>29/10/02</p> <p>29/10/02</p> <p>29/10/02</p> | 11.10.2002 | Heard Mr. S. Sarma, learned counsel for the applicant. The application is admitted, call for the records. List on 22.11.2002 for order. |
| <p>bb</p> <p>Member</p> | 22.11.02 | Heard Mr. S. Sarma, learned counsel for the applicant. Mr. M.K. Mazumdar, learned counsel has entered appearance on behalf of the respondent No. 5. Await service report on other respondents. List on 20.12.2002 for orders. |
| <p>mb</p> <p>Member</p> | | Vice-Chairman |

Respondent No-1
Notice returned due
to incomplete address.

10/12

No. nots has been
billed

30
28.1.03

No. written statement
has been billed

30
25.2.03

No. written statement
has been billed.

30
26.3.03

3.4.03
was submitted
by the Respondent No.3.

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27.3.2003

Put up on 1.5.2003 enabling the respondents to file written statement as prayed by Mr. M.K. Mazumdar, learned counsel appearing for the respondents.

S. Basu
Member

bb

I.C. Ullah
Member

mb

Vice-Chairman

20.12.02 Service is complete so far the respondent Nos. 2 to 5 are concerned.

List on 28.1.2003 for further orders.

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

The Hon'ble Mr. S.K. Hajra, Administrative Member.

Heard Mr. S. Sarma, learned counsel for the applicant.

The respondents are yet to file written statement. Put up again on 26.2.2003 to enable the respondents to file written statement.

S. Basu
Member

mb

Vice-Chairman

26.2.2003 The respondents are/ ordered to file written statement within four weeks from today. List on 27.3.2003 for orders.

Vice-Chairman

mb

Vice-Chairman

2.4.2003 Put up again on 1.5.2003
for further orders.

Vice-Chairman

mb

1.5.2003 Written statement has been
filed by the respondent No.3. The
case may now be listed for hearing
on 11.6.2003. The applicant may file
rejoinder, if any, within two weeks
from today.

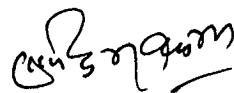
Vice-Chairman

mb

11.6.2003 Present: The Hon'ble Mr. Justice D.M.
Chowdhury, Vice-Chairman
The Hon'ble Mr. R.K. Upadhyaya
Administrative Member.

It has been stated by Ms.U.Das, learned
counsel that Mr.S.Sarma, learned cou-
nsel for the applicant is not keeping
well and accordingly prayed for adjourn-
ment.

The case is accordingly adjourned and
listed for hearing on 16.6.2003.



Member

Vice-Chairman

bb

16.6.2003 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.

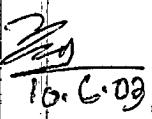


Member

Vice-Chairman

bb

Mr. rejoinder has
been filed


16.6.03.

19.6.2003
Copy of the judgment
has been sent to the
D/sec. for hearing
as well as to the
applicant as well
as to the L.R.A.
or the resp. lrs.

bb

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~XXX~~ No. . . . 320 . of 2002.

DATE OF DECISION 16.6.2003,

MR .S .Sarma & MS .U .Das ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

• • • MR. M. K. Mazumdar, Standing counsel for KVS. ADVOCATE FOR THE RESPONDENT(S).

THE HONBLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR R.K.UPADHYAYA, ADMINISTRATIVE MEMBER.

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 Hobble **Vice-Chairman.**

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.320 of 2002.

Date of Order : This the 16th Day of June, 2003.

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

THE HON'BLE MR. R. K. UPADHYAYA, ADMINISTRATIVE MEMBER.

Sri Amarendra Kumar Singh
S/o Sri Ram Lakan Singh
TGT (PCM), Kendriya Vidyalaya
Masimpur, Dist:- Cachar, Assam.

... . . . Applicant.

By Advocates Mr.S.Sarma & Ms.U.Das.

- Versus -

1. The Union of India
Through the Secretary
Ministry of Human Resource.
2. The Commissioner
Kendriya Vidyalaya Sangathan
18 Institutional Area
Saheed Jeet Singh Marg
New Delhi - 110 016.
3. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, Vijaya Nagar
Rukunpara, Patna - 800 014.
4. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Ahmedabad Region, GH-161/4, Sector-30
Gandhi Nagar, Gujrat-30.
5. The Principal
Kendriya Vidyalaya Sangathan
Masimpur, Dist: Cachar
Assam - 788 025. Respondents.

By Mr.M.K.Mazumdar, Standing counsel for the KVS.

O R D E R

CHOWDHURY J.(V.C.):

The controversy relates to promotion to the post of PGT (Physics) in the year 1999-2000. A DPC Meeting was held on 10.8.1999 for consideration of promotion. The name of the applicant was also placed before the DPC. The DPC, however, could not consider his case to the post of PGT (Physics) for want of ACRs and his case was kept pending alongwith other TGTs. The next DPC Meeting was held on 15.1.2001 for considering the case of the applicant to the post of PGT (Physics) for the year 1999-2000 but the DPC kept the case pending alongwith other TGTs for want of

complete ACRs. On receipt of the ACRs, the name of the applicant was placed before the DPC Meeting held on 19.4.2002 and the DPC recommended the name of the applicant for promotion to the post of the PGT(Physics) for the year 1999-2000 on the basis of his service records. Promotion orders were accordingly issued. The applicant, however, preferred this Original Application for an appropriate direction for giving him promotion with retrospective effect.

2. In the written statement the respondents fairly stated the facts and submitted that for want of ACRs the case of the applicant could not be assessed by the DPC and as soon as the ACRs were made available his case was considered and admissible benefits were given to him. Infact, the DPC recommended the name of the applicant for promotion to the post of PGT (Physics) for the year 1999-2000 on the basis of his service records. The seniority of the applicant was upgraded and his seniority was placed at 1334 according to his merit position in the select panel of that particular year.

3. We have heard Mr.S.Sarma, learned counsel for the applicant and also Mr.M.K.Mazumdar, learned Standing counsel for the KVS. It seems that the applicant's case was duly considered by the DPC and he was given the promotion retrospectively from 1999-2000. Mr.S.Sarma, learned counsel for the applicant also conceded that the applicant obtained the reliefs, but he is yet to get the arrears salary for the promotional post. Mr.M.K.Mazumder, in this regard, referred to the statement made in Para 6 of the written statement. Since the applicant is treated to be promoted retrospectively and he was ranked en-block senior in the PGT (Physics) grade keeping in view of his promotional panel position on 1999-2000 to those who was promoted to the same post for the year 2001-2002 & 2002-2003 etc. it is

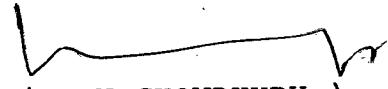
expected that the authority shall take all the necessary steps with utmost expedition for giving the applicant arrears salary, if not already given.

Subject to the observations made above, the application stands disposed of.

There shall, however, no order as to costs.



(R.K.UPADHYAYA)
ADMINISTRATIVE MEMBER



(D.N.CHOWDHURY)
VICE CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : D.A. No. 320 of 2002

BETWEEN

Shri Amarendra Kumar Singh

..... Applicant.

AND

Union of India & ors..... Respondents.

I N D E X

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Filed by : Msha Das. Regn. No. :
File No. : Advocate Date :

10
Filed by
the applicant through
Lekha Das
Aero late
23/9/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH AT GUWAHATI.

D.A No. 320
23/9/02.

BETWEEN

Sri Amarendra Kumar Singh.
S/o Sri Ram Lekhan Singh,
TGT (PCM), Kendriya Vidyalaya,
Masimpur, Dist. Cachar, Assam.

..... Applicant.

- VERSUS -

1. The Union of India,
Through the Secretary,
Ministry of Human Resource.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Saheed Jeet Singh Marg,
New Delhi- 110016.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Vijaya Nagar,
Rukunpara, Patna- 800014.
4. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Ahmedabad Region, GH-161/4, Sector-36,
Gandhi Nagar, Gujarat-36.
5. The Principal,
Kendriya Vidyalaya Sangathan,
Masimpur, Dist. Cachar,
Assam- 788025.

..... Respondents.

DETAILS OF APPLICATION

1. PARTICULAR OF THE ORDER AGAINST WHICH THE

APPLICATION IS MADE:

This application is directed against the following
orders;

1. Office Memorandum dated 8.8.2000, issued by the Dy

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Commissioner (Admn), Kendriya Vidyalaya Sangathan 18
Institutional Area, Shaheed Jeet Singh Marg, New Delhi by
promoting some of the juniors totaling, 24 Trained Graduate
Teachers (Physics) to officiate as Post Graduate Teachers
(Physics).

2. Letter dated 10.2.2002 issued by the Asstt
Commissioner Admn. & Fin KVS New Delhi, admitting the fact
of non availability of ACRs of the applicant and due to
which his case was not considered by the DPC held on 10.8.99
and 15.01.2001.

3. Order bearing No F.No.13-1/2002-03-KVS(E-III)
dated 23.7.2002, promoting the applicant to the post of Post
Graduate Teacher (PGT) (Physics), with prospective effect
only.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

That the applicant declares that the application
filed within the limitation period prescribed under Section
21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE:

4.1. that the applicant is a citizen of India and as
such is entitled to all rights, protections and privileges
guaranteed under the Constitution of India and laws framed
thereunder.

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4.2. That the applicant stated that he was selected for appointment against a temporary post of TGT(PCM) in the scale of Rs. 1400-2600 at Kendriya Vidyalaya Sangathan on probation for a period of two years and other terms and conditions of service governing the appointment aid to same laid down in the Education Code for Kendriya Vidyalaya as amended from time to time.

A copy of the appointment letter issued by Assistant Commissioner Ahmedabad Region dated 17.8.93 is annexed as ANNEXURE-1.

4.3. That the applicant begs to state that he joined KVS immediately and thought not only Physics, Chemistry and Maths in Secondary Classes, but Physics in XI and XII classes with satisfaction and gave than 90% result in CBSE exams. The method of teaching was never questioned by any one and devoted cent percent to his job and without any blemish from any quarter.

4.4. That the applicant begs to state that his appointment was duty confirmed/regularised after two years by an office order F.15-4/99-KVS (PR) dated 28.9.99 issued by the Assistant Commissioner, KVS Regional Office, Vijay Nagar, Patna. The applicant's service was regularised along with thirty three others who had joined either earlier or later than the applicant. The applicant name was shown at Serial No.32 in the list appointed in substantive capacity from 4.9.95 i.e. two years after his joining date.

A copy of the said office order dated 22.9.99 is annexed hereto as ANNEXURE-2.

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4.5. That the applicant states that the Deputy Commissioner, Administration issued an office memorandum No. F.13-1/2001-KVS (Estt-III) dated 8.8.2001 promoting all together 24 TGT teachers to post Graduate Teacher (Physics) including one SC candidate in the pay scale of Rs. 6500-10500/- and posted to different KVS.

The applicant begs to state that in the said memorandum, there were lots of anomalies as the seniority position was maintained only upto serial No. 5 but thereafter no seniority has been maintained. The applicant further states that the person at serial No. 19 namely Sri A.K.Mishra is just two days senior to him whereas others were much junior to him. As per the provisional common seniority pleased the seniority position of the applicant is at serial No. 1334 whereas name of said Sri Anil Kumar Mishra appeared at serial No. 1289. Date of direct recruitment as TGT (Col- 6) is 1.9.1993 in case of said Mr. Mishra whereas in case of applicant his date of direct recruitment as TGT is 4.9.1993. That apart persons appeared at SL Nos 8 (Smt Sudha Gupta) Sen. Position 1581; SL No 16 Sen Position 1356 (Sri P.Kumar); SL No 18, Sen Position 1344 (Sri Rajani Kanta); SL No 20, Sen. No 1376 (Smt Sunita Sarma); SL No 21, Sen No 1379 (Ms Rekha Kumari Agrwal); and SL No 22 Sen.No 1384 (Sri Arjun Yadav), are admittedly junior to the applicant but the respondents ignoring the claim of the applicant promoted those persons to the next higher grade that is PGT (Physics) . On the other hand the person appeared at SL No.23 having sen position 1322 is junior to the applicant taking into consideration the date of direct recruitment as TGT . His date of direct recruitment as TGT is 13.9.93 whereas in case of applicant

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his date of direct recruitment as TGT is 4.9.93 . It is pertinent to mention here that as per the information gathered from reliable source the applicant could come to know that names of persons appeared at Serial No. 1 to 5 are senior to the applicant and the information regarding others whose names appeared in the said order dated 8.8.2001 are not available and as such the applicant prays before this Hon'ble Tribunal for direction towards the Respondents to produce the relevant Seniority list at the time of hearing of this case.

A copy of the office memorandum dated 8.8.2001 is annexed hereto as ANNEXURE-3.

4.6. That the applicant begs to state that highlighting his grievances against the said office memorandum he submitted a representation to the Commissioner , KVS, New Delhi . The applicant also pointed out the fact that same TGTs who were junior to him were given promotion to PGT.

A copy of the said representation dated 9.11.2001 is annexed hereto as ANNEXURE-4.

4.7. That the applicant begs to state that there was no reply from the KVS, New Delhi regarding his representation dated 9.11.2001 (Annexure-4).Situated thus he made another representation on 6.12.2001 stating his grievances and to consider his case as early as possible.

A copy of the said representation dated 6.12.2001 is annexed hereto as Annexure-5.

4.8 That the applicant begs to state that findings no

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response from the authority, he decided to take help of a counsel and sent a legal Notice through his counsel making a demand that the applicant be given the benefit of promotion in reference to the Junior who was so promoted with all consequential service benefits including fixation of pay, and seniority, arrear salary etc. within a period of 15 days from the receipt of the legal Notice.

A copy of the said legal Notice dated 11.12.01 is annexed hereto as Annexure-6.

4.9. That the applicant states that on receipt of the said legal Notice dated 11.12.2002, the Assistant Commissioner wrote back to the counsel stating therein that the case of the applicant could not be considered by the DPC in its meetings held on 10.8.99 and 15.1.2001 due to non availability of complete ACRs. Further, stating that the ACRs in respect of the applicant TGT(PCM), KV, Masimpur have since been received from the concerned Asstt. Commissioner, KVS, his case would be placed before the DPC in its meeting scheduled to be held shortly for considering promotion to the post of TGT (Physics).

A copy of the said communication issued by the Asstt. Commissioner (Admn) dated 10.1.2002 is annexed hereto and marked as ANNEXURE-7.

4.10. That the applicant begs to state that although the Asstt. Commissioner in his letter dated 10.1.2002 assured that the case of the applicant would be considered in the DPC meeting to be held shortly but even after the lapse of some two and half months, nothing was done. The applicant

submitted another representation dated 26.3.2002 stating the grievances regarding delay on the part of the authorities in considering the case of the applicant.

A copy of the said representation dated 26.3.2002 is annexed hereto as ANNEXURE-8.

4.11. That the applicant begs to state that surprisingly enough the Respondents have issued the memorandum bearing No. F.No. 13-1/2002- 03-KVS (E-III) dated 23.7.2002 by which applicant has been promoted to the post of PGT (Physics). It is noteworthy to mention here that although there is no mention regarding the effect of the said order but there has been a mention regarding the cut off date as 3.8.2002, meaning thereby the order of promotion has been made effective w.e.f. 3.8.2002. Admittedly, in the said order dated 23.7.2002 the name of the applicant has been shown to be considered for the vacancies of 1998-99, but the effect of such promotion has been made prospective i.e. w.e.f. 3.8.2002. The applicant through this application challenges the order dated 23.7.2002 so far it restricts the promotion of the applicant only with prospective effect.

A copy of the aforementioned memorandum dated 23.7.2002 is annexed herewith and marked as ANNEXURE-9.

4.12. That the applicant begs to state that admittedly as per the communication dated 10.1.2002 it is clear that although he was very much within the zone of consideration for promotion to PGT (Physics) his cases was not considered because of the fact that the ACRs were not available when the DPC meeting was held on 10.8.1999 and 15.1.2001. This is precisely the reason as to why his in the matter of

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superseded ' him in the matter of promotion , and particularly, the fact will be revealed from Annexure-3 memorandum dated 8.8.2002. It is stated that for an employee ACRs are the mirror image of an employee and the employer should take due in maintaining and preserving those ACRs. From the impugned communication dated 10.1.2002, it is clear that the Respondents being a model employer have not taken due care in maintaining/ preserving the ACRs of the applicant and the casual statement made in the said communication depicts total non-application of mind by the Respondents. Since the applicant was due for promotion to the post of PGT (Physics) even in the year 1999and 2001 his case could not be considered for non-availability of ACRs and admittedly most of his juniors now has superseded him. Had the case of the applicant been considered by his promotion in the service Jurisprudence non consideration of promotion for want of ACRs can not be ground of denial of promotion, more so, when there were vacancies .Under this peculiar fact situation the Respondents since found him suitable for promotion to the post of PGT (Physics) and in fact, he was promoted , the order of such promotion should have been made effective from the date when immediate juniors were so promoted pursuant to the DPC held on 10.8.1999 or thereafter. To that effect only the order of promotion has been challenged by the applicant with a prayer for modification of the same giving retrospective effect of such promotion to the present applicant.

4.13. That as stated above the applicant bears an outstanding service career which will be revealed from the result in CBSC Examination in the years 1994 to 2001. It is

stated that the impugned action on the part of the Respondents in setting the matter of the applicant on the ground of non-availability of ACRs is per-se illegal and not sustainable. There are various OMs issued by the concerned ministry regarding re-construction of missing ACRs and, the Respondents ought to have adopted these measures in case of the present applicant at the time of consideration of his case in the DPC meeting held on 10.8.1999 and 15.1.2002. Deprivation of promotion for non-availability of ACRs cannot be a ground for such denial and the Respondents being a model employer should have adopted the guideline in respect of reconstruction of missing ACRs and should have considered his case in the earlier DPCs i.e. 10.8.1999 and 15.1.2001.

4.14 That the applicant begs to state that this application has been made bonafide and to secure ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1. For that the action / inaction on the part of the Respondents in issuing the impugned orders dated 8.8.2001, 10.1.2001 and 23.7.2002 are is not sustainable in the eye of Law and liable to be set aside and quashed.

5.2. For that the Respondents have acted illegally in issuing the impugned order dated 8.8.2002 by promoting 24 (TGT) teachers to PGT without maintaining the seniority in clear violation of the Rules, ignoring the case of the applicant, on the ground of non-availability of ACRs.

5.3. For that the Respondents having admitted the above

facts and their early reply dated 10.1.2002 that the ACRs of the applicant could not be placed in the DPC meeting due to delay could not be a sufficient ground. In the instant case the respondents should have either quashed the impugned order dated 8.8.2001 or should have given the applicant the given promotion with retrospective effect by modifying the promotion order dated 23.7.2002.

5.5. For that the respondents have acted illegally in over looking the case of the applicant, which is of serious nature. The discrimination on the part of the respondents have led to serious mental agony of the applicant as he has been forced to work under persons who were much junior to him earlier.

5.6. For that the respondents have acted illegally in violating the principle of natural justice and blocking the promotional avenue of the applicant without any fault of the applicant. The same has created stagnation in the service career of the applicant which is not permissible under service jurisdiction.

The applicant craves leave of the Hon'ble Tribunal to adduce more grounds both legal as well as factual at the time of the hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that he has not

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filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quashed and quashed the impugned orders dated 8.8.2001 (Annexure-3), 10-1-2002 and 23.7.2002.

8.2. To direct the Respondents to give the benefit of promotion to PGT to the applicant with retrospective effect i.e. from the date when the TGT (Physics) teachers were promoted to PGT (Physics) pursuant to the DPCs held on 10-8-99 onwards.

8.3. To grant retrospective effect to the promotion of the applicant as PGT (Physics) modifying the promotion order dated 23.7.2002 and to recast his seniority after such retrospective promotion with full back wages including all consequential service benefits.

8.4. Cost of the application.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

The applicant does not pray for any interim direction at this stage. Under the facts and circumstances of the case the applicants prays for an interim order directing the Respondents

10.

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

1. I.P.O. No. : 7 G 575305

2. Date : 24/9/02

3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

A. Singh

VERIFICATION

I, Amarendra Kumar Singh, aged about 42 years, Son of Sri Ram Lakhman Singh, at present working at KV CRPF, Six miles, I hereby solemnly affirm and verify that the statements — made — in — paragraphs 2, 3, 4, 1, 4, 14 are true to my knowledge and those made in paragraphs 1, 4, 2-4, 13 & 5 to 12 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 23rd day of Sept of 2002.

Signature.

Amarendra Kumar Singh

8/9/93
SAMS: KEVISANG

-14-

ANNEXVRB

PHONE: 21361

KENDRIYA VIDYALAYA SANGATHAN
(AHMEDABAD REGION)

GH-161/4, SECTOR-30,
GANDHINAGAR(GUJ)30

No.F.10-22/93-KVS(AR)/

Dated

17/8/93

REGISTERED

MEMORANDUM

SUBJECT:- OFFER OF APPOINTMENT TO THE POST OF TGT (PCM)

With reference to his/her application dated
-7-8-1992 for the above post, Shri/Smt/Km Amarendra Kumar is hereby informed that he/she has

been selected for appointment against a temporary post of TGT (PCM) in the Kendriya Vidyalaya Sangathan on an initial pay of Rs. 1400=00 in the scale of Rs. 1400-40-1600-50-1650-50-1950-EB-50-2250-EB-50-2300-60-2600. He/She will draw allowances and other benefits in addition to pay at the rates admissible to the employees of Kendriya Vidyalaya Sangathan. This offer of appointment is subject to the candidate's being declared fit for the post of TGT (PCM) by a Civil Surgeon.

2. If the candidate is a woman, she should certify that she is not in the family way at the time of acceptance of the appointment. If, however, she is pregnant of 12 weeks standing or over at the time of acceptance of appointment as a result of medical testis; she will be declared temporarily unfit and the offer would be treated as withdrawn for the present. However, her appointment would be held in abeyance until her confinement is over. She would get herself medically re-examined immediately six weeks after the date of confinement and her appointment would be subject to production of Medical Fitness Certificate from the Civil Surgeon. She would indicate when her delivery is expected and also should indicate the date of confinement soon after it is over. In case the candidate fails to comply with these instructions, her candidature would not be considered and no further correspondence will be entered into in this regard from her. On production of Medical Fitness Certificate, she will be appointed to the same post.

3. No TA will be admissible for first joining the Sangathan.

4. He/She will be on probation for a period of two years which may be extended. Upon successful completion of probation, he/she will be confirmed as per KVS Rules.

5. During probation and thereafter, until he/she is confirmed, the services of the appointee are terminable by one month's notice on either side without any reasons being assigned therefor. The Appointing Authority, however, reserves the right to terminate the services of the appointee before expiry of the stipulated period of notice by making payment of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

...2...

Attested
V.D.
Advocate

..2..

6. Other terms and conditions of service governing the appointment are as laid down in the Education Code for Kendriya Vidyalayas as amended from time to time. He/She will be borne on the cadre of this Region only and that normally he/she would not be allowed to change the Region subsequently. Initially he/she is posted as _____ at Kendriya Vidyalaya,

7. Sh./Smt/Miss _____ should also note that joining of KVS Employees Group Insurance Scheme is a necessary condition of service in respect of all employees of Kendriya Vidyalaya Sangathan.

8. In case of any dispute or claim against the Kendriya Vidyalaya Sangathan in respect of service or any contract arising out of or flowing from this offer of appointment, the Courts at Delhi alone shall have the jurisdiction.

9. If he/she accepts the offer on the terms and conditions stipulated, he/she would send his/her acceptance immediately to this office on receipt of this Memorandum and join the Kendriya Vidyalaya mentioned above. Necessary proforma for the purpose in forms VII(A), (B), VIII to XI and XIII are enclosed herewith which should be submitted to the concerned Principal after getting the same duly completed in all respects. This acceptance should reach the undersigned in any case by 31-07-1983. If the offer is not accepted by the said date or after 31-07-1983 acceptance if the appointee does not report for duty at the Kendriya Vidyalaya mentioned above by this offer of appointment will automatically be cancelled and no further correspondence will be entered into from him/her.

10. Suppression of any information will be considered a major offence for which the punishment may extend to dismissal from the service.

11. He/She will not request for transfer within three years of initial appointment or the first posting. He/She is liable to be transferred anywhere in India.

12. The appointment is provisional and is subject to the caste/tribe certificates being verified through the proper channels and if the verification reveals that the claim to belong to SC/ST as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificates.

(POORAN CHAND)
ASSISTANT COMMISSIONER

Encl:- As stated.

Sh/Smt/Km

En. Mr. Ganthi, KVS, Gandhinagar.

Copy to: 1. The Principal, Kendriya Vidyalaya.

The date of joining of the candidate may be intimated in this of F.I. immediately after the candidate reports for duty. In case he/she does not join by the stipulated date, this office should be informed telegraphically. This appointment is further subject to production of certificates etc. The candidate be allowed to join his/her duties only after verification of original certificates and on submission of requisite forms stated above.

2. The Assistant Commissioner, KVS(U.G.R.S), N. Delhi.
3. The A.I.O, KVS (A.R), Gandhinagar (Guj).
4. Guard File' Appointment'

Attested
Ran
Advocate

ASSISTANT COMMISSIONER

F.15-4/99-KVS(PR)/

Dated 22.09.99

OFFICE ORDER

On the recommendation of D.P.C. held on 22.09.99, the following categories of teachers/staff, whose particulars are given against their names are appointed in substantive capacity w.e.f the date shown against each:-

| Sl. No. | Name of teachers/Staff. | Post of working | Date of confirmation | regular apptt. | Date of confirmation |
|---------|--------------------------|-----------------|----------------------|-----------------|----------------------|
| 01. | Dr. Chandeshwar Singh | Karo Special | PRT | 11.08.95 | 11.08.97 |
| 02. | Smt. Sakuntla Kumari | Karo Special | PHT | 14.08.95 | 14.08.97 |
| 03. | Sh. Brij Lal | Karo Special | TGT | 10.10.95 | 10.10.97 |
| 04. | Smt. Vibha Gupta | Karo Special | PRT | 11.08.95 | 11.08.97 |
| 05. | Sh. S.K. Jaiswal | Karo Special | PHT | 14.08.95 | 14.08.97 |
| 06. | Smt. Sandhya Khalko | Karo Special | PCT | 21.10.93 | 21.10.95 |
| 07. | Sh. Gyan Prakash | Karo Special | PET | 16.08.95 | 16.08.97 |
| 08. | Sh. J. K. Shishir | Karo Special | TGT | 11.10.95 | 11.10.97 |
| 09. | Smt. Suman Toppo | Karo Special | Dr.Trs. | 11.08.95 | 11.08.97 |
| 10. | Sh. R.K. Jha | Ballia | TGT | 03.09.93 | 03.09.95 |
| 11. | Smt. P.M. Tiru(Berla) | Mokamaghata | TGT | 11.01.95 | 11.01.97 |
| 12. | Dr. Anand Prakash | Kankarbagh | PGT | 8.12.95 | 31.12.98 |
| | | | | (Trial) Regular | 31.12.98 |
| 13. | Sh. T.P. Singh | TO, Barauni | PGT | 19.08.94 | 19.08.96 |
| 14. | Smt. Meena Dwivedi | TOC, Barauni | TGT | 11.10.95 | 11.10.97 |
| 15. | Smt. Indu Choudhary | TOC, Barauni | PRT | 25.08.95 | 25.08.97 |
| 16. | Smt. Sheela Kumari | TOC, Barauni | PRT | 05.08.95 | 05.08.97 |
| 17. | Smt. Renuka | TOC, Barauni | PRT | 05.08.95 | 05.08.97 |
| 18. | Smt. G. Kujur | Hinoo, Ranchi | TGT | 23.09.95 | 23.09.97 |
| 19. | Sh. Vod Prakash Mishra | Darbhanga | WEP | 05.11.93 | 05.11.95 |
| 20. | Sh. Ashrafi Paswan | Garhara | PHT | 19.11.93 | 19.11.95 |
| 21. | Smt. Sangeeta Sinha | Khagaria | PRT | 20.06.95 | 30.06.97 |
| 22. | Sh. Surendra Pd. Singh | Sonepur | TGT | 11.01.94 | 11.01.96 |
| 23. | Smt. Gayatri Kumari | Saharsa | PHT | 18.10.93 | 18.10.95 |
| 24. | Smt. Mahima Srivastava | BHU, Varanasi | TGT | 12.10.95 | 12.10.97 |
| 25. | Smt. M. Mithu Ramkrishna | CCL, Ranchi | PGT | 05.02.94 | 05.02.96 |
| 26. | Smt. P. Ghosh | CCL, Ranchi | Music Tr. | 30.01.85 | 01.04.88 (01/88) |
| 27. | Sh. Kumud Karti | HEC I, Ranchi | TGT | 24.10.88 | 24.10.90 |
| 28. | Smt. Terga Joseph | Rihandnagar | TGT | 11.09.93 | 11.09.95 |
| 29. | Sh. S.K. Malekar | Muzaffarpur | Librarian | 20.09.95 | 20.09.97 |
| 30. | Sh. K.R. Toppo | Shaktinagar | PGT | 25.01.97 | 25.01.99 |
| 31. | Sh. A.K. Singh | Shaltinagar | TGT | 04.09.93 | 04.09.95 |
| 32. | Sh. D.A. Das | Jamalpur | PGT | 12.11.95 | 12.11.97 |
| 33. | Sh. Kichore Kumar | Jamalpur | PHT | 15.04.94 | 15.04.96 |
| 34. | Smt. Ruby Kumari | Khagaria | TGT | 22.08.97 | 28.08.99 |

Distribution:

- The Principal, Kendriya Vidyalayas under Patna Region. It is requested to hand over one copy of the order to the individual concerned and one copy to be placed in the personal file after making necessary entries in the Service Book of teacher/staff concerned. If any of the above named teacher/staff has been transferred to other Kendriya Vidyalayas copies of the order may be sent to concerned KV under intimation to this office.
- The Dy. Commissioner (Pers.) KVS, Hqrs. New Delhi.
- The Asstt. Commissioner, all Regional Offices for information.

Attested
Under
Advocate

KENDRIYA VIDYALAYA SANGATHAN
18, INSTITUTIONAL AREA
SHAHEED JEET SINGH MARG
NEW DELHI - 110016

SPEED POST

No.F.13-1/2001-KVS(Estt.III)

Dated: 28 AUG 2001

MEMORANDUM

Sub:- PROMOTION TO THE POST OF POST GRADUATE TEACHER (PHYSICS)

The following Trained Graduate Teachers are promoted to officiate as Post Graduate Teachers (Physics) in the pay scale of Rs. 6500-200-10500/- and posted to Kendriya Vidyalaya shown in next page in column (5) against their names. They must communicate their acceptance by 18-8-2001 and join the said Kendriya Vidyalaya as per rules after availing of minimum joining time, if necessary, by getting relieved positively by 25-8-2001. If they fail to report for duty at the said Kendriya Vidyalaya, this offer of promotion would automatically be treated as withdrawn and they would be debarred from getting further promotion for five years with attendant consequence as seniority etc.

The promotion made under SC/ST quota is subject to production of recent certificate from competent official of State Government in support of his/her continuing to belong to SC/ST as the case may be.

Their pay in the time scale of PGTs will be fixed as per the provisions of FR 22(I)(a)(1) as applicable to the employees of the Kendriya Vidyalaya Sangathan. So they will have an option (i) to have the pay fixed from the date of promotion or (ii) to have the pay fixed initially at the stage of the time scale of PGTs above the pay of TGT which may be refixed on the date of accrual of next increment in the scale of TGT held by them. This option shall be exercised by them within one month from the date of joining as PGTs on promotion.

They will be on probation for a period of two years from the date of their joining as PGTs.

No extension of joining time will be allowed except for reasons of illness/confinement of the teacher duly supported by a medical certificate from Chief Medical Officer/ Medical Supdt./ Civil Surgeon of Govt. Hospital/ District Hospitals or from the Chief Medical Officer of the Hospital/ Public Sector Undertakings/ Project to which the school is attached/ Military or Command Hospital as the cases may be. The request for extension should be received through proper channel by 25-8-2001 in Headquarters of Kendriya Vidyalaya Sangathan, New Delhi - 110016.

contd.2/-

*W.D.A.
Adm.Off.*

Promotion from the post of TGT to PGT (PHYSICS)

| S.No. | Sen.No. | Name of the Teacher | KV where working | KV where posted |
|--------------------|---------|-------------------------|---------------------|---------------------------|
| (1) | (2) | (3) | (4) | (5) |
| <u>GENERAL</u> | | | | |
| 1. | 3963 | Smt. U.Lakhani | No.2.IIBK,Dehradun | Mussoorie |
| 2. | 4425-A | Smt.Ratna Rao | Mysore | N.F.Jabalpur |
| 3. | 5195 | Shri V.K.Goel | DL,Meerut | No.4.Bhailinda |
| 4. | 7102 | Shri S.P.Awasthi | Farakka | Loktak |
| 5. | 7209 | Smt. Nishi Gupta | Muradnagar | Clement Town, Dehradun |
| 6. | | Shri M.A.Dospande | AFS,Sambra | Meghalatiaburu |
| 7. | | Shri S.N.Singh | Bamrauli,Allahabad | Jawaharnagar |
| 8. | | Smt. Sudha Gupta | ONGC,Dehradun | CRPF, Rampur |
| 9. | | Ms. Atijali Kalra | No.2.Jamini | Kisrawar |
| 10. | | Smt. Aney Joseph | IIT,Powai | ONGC,Baroda |
| 11. | | Smt. Deepti Sharma | OEF,Hazratpore | ShahjahaupurCantt. |
| 12. | | Smt. Manju Mohan | No.5.Jaipur | Avikanagar |
| 13. | | Smt. Nisha Jain | Nojda | INA,Dehradun |
| 14. | | Smt. N.Geethanchali | AFS,Yelhanka | No.1.Kalaikunda |
| 15. | | Shri N.K.Bhaiya | NTPC,Kanaha | No.2.ONGC,Jorhat |
| 16. | | Shri P.Kumar | Misa Cantt. | CRPF,Durgapur |
| 17. | | Shri D.C.Jha | No.1.Bokaro | Chattarpur |
| 18. | | Shri Rajni Kait | No.1.Chakeri,Kanpur | Banbasa Cantt. |
| 19. | | Shri A.K.Mishra | No.1.Alwar | No.1.Faridababad |
| 20. | | Smt.Sunita Sharma | ONGC,Paival | Shivpuri |
| 21. | | Ms.Rekha Kumari Agarwal | AFS,Hakimpet | Adra |
| 22. | | Shri Arjun Yadav | Banrauli,Allahabad | R.D.Minos |
| 23. | | Shri B.K.Das | No.2.IOC,Burrauni | Jagdishpur |
| <u>SC-CATEGORY</u> | | | | |
| 1. | | Shri Om Prakash | No.2.AFS,Suratgarh | WCL,Sarni |

(Twenty Four Cases Only)

(M.K.RAO)
DEPUTY COMMISSIONER(ADMIN.)

Attested
M.K.RAO

To - 19 -

The Commissioner

Kendriya Vidyalaya Sangathan
Shastri Jiell Singh Marg,
New Delhi - 16

ANNEXURE 4

25

Through,

Proper channel

Sub. - Complaint from TGT (PCM) to PGT (PHY) i
- regarding .

Sir,

With due respect, I have to say -

(a) that I joined KVS as TGT (PCM) on 04.09.1993. I am M.Sc. (PHY.), M.Ed.
(b) that I have taught not only Phy., Chem and Maths. in secondary classes, but Phy - Sics in I and XII classes also in 1993-94 and 1994-95 and got more than 90% result in CBSE Exam.
(c) that till now no adverse entry in ACR has been communicated to me.
(d) that I have come to know from reliable sources that some TGTs who are junior to me have been promoted to PGT (PHY.) vide letter No. - F-13-1/2001 - KVS (EST - III) dt/ff 8 Aug. 2001.

I request you in this connection, Sir, to please take pains to look into the matter and kindly do the needful.

Thanking you, sir.

With thanks,

Amarendra Kumar, I.

(AMARENDA KUMAR, I)

TGT (PHY)

KV, MASTIMPUR

DIST - CACHAR

(ASSAM) - 78312

Advise me copy to -

Hon'ble Commissioner,

KVS, N. Delhi

Attested
as
Advocate.

Mr. V. Majum
Guitar Cantt.
Teacher, Assam
Majum

To

29

The Commissioner
Kendriya Vidyalaya Sangathan
Sahibzade Jeet Singh Marg
New Delhi - 16

Through - Proper channel.

Sub. - Promotion from TGT (PCM) to PGT (Phy.)
- regarding.

Ref. - My representation dt.d - 09.11.2001
sir,

With due respect, I have to say -

- (a) that I joined K.V.S. as TGT (PCM) on 04.09.93 and to the best of my knowledge, some TGTs joining after 04.09.93 have been promoted to PGT (Phy.). I represented in this regard through proper channel on 09.11.01
- (b) that till date I have received no response on my representation.
- (c) that I request for early consideration.
- (d) that I request, also, that the action taken be communicated to me also.

Thanking you, sir.

Dtd. - 06.12.2001

Yours Faithfully -

Amarendra Kumar Singh
(AMARENDRRA K.R. SINGH)

TGT (PCM)

K.V., MASTIMPUR

Distt. - C. ACHUTA R

(ASJAN) - 788025

Advance copy -

Principal
& V. Marshal
Allchar Cantt
Sector, A-22
Vasant

The Commissioner

K.V. S.

Attested

V. S. S.
Advocate.

Usha Das
Advocate

- 21 -

Birburi, Gopinath Nagar
Guwahati-781016
Phone - 472699

ANNEXURE - 6

Date ... 11/12/2001

Ref:

To
The Commissioner
Kendriya Vidyalaya Sangathan
Shaheed Jeet Singh Marg
New Delhi - 14.

Subject: Legal Notice.

Sir,

Upon authority and as per instruction of my client
Shri A.K.Singh, TGT (PCM), KV, Masimpur, Dist.-Cachar (Assam),
I give you this notice as follows:

1. That my client got his appointment as TGT (PCM) on 4.9.93. My aforesaid client is M.Sc in Physics with M.Ed and as such he is eligible to be appointed on promotion as PGT, Physics. On the other hand he has completed the requisite length of service for coming into the zone of consideration for such promotion.
2. That the Deputy Commissioner, KVS vide memorandum No.F.13-1/2001-KVS (Estt.III) dated 8.8.2001 promoted altogether 24 TGTs to PGT including one SC candidate. In

Usha Das

1

*Usha Das
Advocate.*

fact, in the said order seniority position (Seniority number) has been mentioned up to serial No.5 but thereafter from serial No.6 to 23 no seniority has been maintained. The person named in Sl.No.19 Shri A.K.Mishra is two days senior to my client thereafter others are juniors to my client.

3. That as per the Rules guiding the field seniority is to be maintained at the time of promoting TGTs to PGT. However, in the instant case no such seniority has been maintained violating the Rules. That apart service record of my client is without any adverse entries. In fact, no such remark has been communicated to him till date.

In this view of the matter denial of promotion to my client in the post of PGT, Physics in violative of Article 14 and 16 of the Constitution of India and Laws and Rules guiding the field.

In the facts and circumstances stated above I give you this notice making a demand that my client be given the benefit of promotion from the date on which his immediate junior was so promoted with all consequential benefits including fixation of pay, seniority, increment, salary etc. within a period of 10 days from the date of receipt of this notice failing which instruction of my client is to take appropriate legal action.

Abha Das
Attested
Abha
Advocate.

I hope and trust that there would be no such occasion for any further litigation.

Thanking you.

Sincerely yours

Usha Das

Usha Das, Advocate.

Copy to:

1. The Asstt. Commissioner, KVS
Hospital Road, Silchar.

Usha Das

Usha
Das
Advocate.

ANNEXURE -

- 24 -

केन्द्रीय विद्यालय संगठन

KENDRIYA VIDYALAYA SANGATHAN

18 सरथागत धोत्र, शहीद जीत (११६) पर्याय

नई दिल्ली-११००१६

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

देनांक/Dated १०-०१-०२

पत्रांक/No. F. 11-1/2000-KVS(RP-I) (Pt.F)

To,

Ms. Usha Das, Advocate
Birubari, Gopinath Nagar
Guwahati - 781 016 (Assam)

sub: Promotion of Shri A.K. Singh, TGT(PCM), KV, Masimpur
to the post of PGT(Physics) - regarding.

Madam,

I am to refer to your letter No. nil dated 11.12.2001 on the above mentioned subject and to inform you that the case of Sh. A.K. Singh, Ex-TGT(PCM) KV, Shaktinagar (Presently working in KV, Masimpur) could not be considered by the DPC in its meeting held on 10-08-1999 & 15-01-2001 due to non-availability of his complete ACRs. Now, the ACRs in respect of Sh.A.K. Singh TGT(PCM) KV, Masimpur have since been received from the concerned Assistant Commissioners and his case will be placed before the DPC in its meeting scheduled to be held shortly for considering promotion to the post of PGT(Physics).

17.9

260

260

Yours faithfully,

u/s

(V.K.GUPTA)
ASSTT. COMMISSIONER (ADMN. & FIN.)

COPY TO -

The Assistant Commissioner, Kendriya Vidyalaya Sangathan
Regional Office, Silchar - for information.

(V.K.GUPTA)
ASSTT. COMMISSIONER (ADMN. & FIN.)

To

- 25 -

ANNEXURE- 8

The Commissioner

Kendriya Vidyalaya Sangathan
New Delhi - 110016

Through - Proper channel

Sub. - Promotion from TGT (PCM) to
PGT (Phy.) - regarding

Ref. - your letter No. - F/11-1/2000-KVS
(RP-I) (Pt-I) Dtd - 16.01.02

Sir,

With due respect, I have to say that in your above-mentioned letter written to learned advocate Ms. Usha Das, Guahati in response to the legal notice regarding my promotion it was written that the matter was to be considered in the DPC meeting which was to be held shortly. But after two and half months time also, I have received nothing.

My humble request is to please inform me about the consideration made on the above-mentioned subject.

Thanking you, Sir.

yours Faithfully -

Date - 26.03.2002 Anarendra Kumar Singh
(AMARENDRRA KR. SINGH)

TGT (PCM)

K.V. Marjoribanks

P.O. - Arunachal

DIST - CACHAR (Assam)

Advance copy -
BY REGD. POST

Attested

.....

Advocate.

26
S. N. Bhattacharya
Advocate
Guwahati
Assam

PROMOTION TO THE POST OF PGT(PHYSICS):

YEAR : 1998 - 1999 :

| Sl.No | Seniority No. | Name of TGT | Present KV | KV where posted |
|-------|---------------|-----------------|----------------------------|-----------------------|
| 1. | - | Sh.A.K.Singh ✓ | Masimpur | CRPF Guwahati |
| 2. | - | Sh.K.K.Singh | Varanasi Cantt. | IIM Joka |
| 3. | -- | Smt. S.Gupta | Sec.4,RK Puram | Sec.29, Chandigarh |
| 4. | -- | Smt.Bimali Rani | NER Izzatnagar Bareilly | Kashipur |

YEAR - 2000 - 2001

| Sl.No | Seniority No. | Name of TGT | Present KV | KV where posted |
|-------|---------------|--------------------|------------------------|---------------------|
| 1. | -- | Ms.Elizabeth E | Udaipur No.2 | AFS Uttar Lai |
| 2. | 3862 | Smt.Sipra Biswal | Delhi Cantt.No.2 | Bhatinda No.2 |
| 3. | -- | Smt.Urmila Gupta | FRI Dehradun | Raiwala |
| 4. | -- | Sh.Upendra Kumar | JLABareilly | No.2,AFS Halwara |
| 5. | -- | Sh.V.P.Rao | NTPC Ramagundam | VSN Nagpur |
| 6. | -- | Sh.M.Kumar | Muzafarpur | I Hasimara |
| 7. | -- | Sh.D.S.P.Singh | No.1 Vasco | No.2 Calicut |
| 8. | -- | Sh.R.S.Pandey | Azamgarh | Murcna |
| 9. | -- | Smt.Nirupama Singh | OFD Raipur Dehradun | No.1 Roorkee |
| 10. | -- | Dr. Kr.Hemendra | Mau | Bina |

SCHEDULE CASTE:

| | | | | |
|----|----|---------------|--------------|-----|
| 1. | -- | Sh.R.V.Prasad | AFS Biharata | Mau |
|----|----|---------------|--------------|-----|

YEAR : 2002 - 2003 :

| Sl.No | Seniority No. | Name of TGT | Present KV | KV where posted |
|-------|---------------|--------------------|------------------|-----------------|
| 1. | - | Smt.N.Zafar | No.2 Delhi Cantt | No.3 Ambala |
| 2. | - | Sh.Balavannan | AFS Avadi | WAP Yelhanka |
| 3. | -- | Smt.Deep Shikha | IIT Kanpur | Fatehgarh |
| 4. | -- | Smt.Manju Arora | Badarpur | Barnala |
| 5. | -- | Sh.C.S.Jha | Missamari | Basti |
| 6. | -- | Smt.Neena Gupta | FRI Dehradun | Uttarkashi |
| 7. | -- | Smt.Bimla Mahra | NER Bareilly | Pithoragarh |
| 8. | -- | Sh.U.K.Singh | Malda | Bondamunda |
| 9. | -- | Sh.Manoj Kumar | Muzaffarpur | Jharsuguda |
| 10. | -- | Smt.Sharda Mishra | VSP Vizag | Srikakulam |
| 11. | -- | Sh.S.A.Paul | No.2 Chakeri | No.2 Itarsi |
| 12. | -- | Sh.Mukesh Kr.Batra | No.1 HBK DDN | Suranassi |
| 13. | -- | Sh.A.K.Singh | Danapur Cantt. | Meghahatuburu |

SCHEDULED CASTE :

| | | | | |
|----|----|---------------|----------|---------------------|
| 1. | -- | Sh.Lalin | Ranikhet | OCF Shahjahanpur |
| 2. | -- | Sh.K.N.Prasad | Puri | Picket |

PHYSICALLY HANDICAPPED :

| | | | | |
|----|----|------------------|---------------|-----------------|
| 1. | -- | Sh.Bhagwan Singh | Pragati Vihar | Babugarh Cantt. |
|----|----|------------------|---------------|-----------------|

Arrested
Wear
Advocate

KENDRIYA VIDYALAYA SANGATHAN
18, INSTITUTIONAL AREA
SHAHID JEET SINGH MARG
NEW DELHI-110016

SPEED POST

F.No.13-1/2002-03-KVS(E.III)

Dated: 23/7/2002

MEMORANDUM

SUBJECT: PROMOTION TO THE POST OF POST GRADUATE TEACHERS

The following Trained Graduate Teachers (as mentioned in overleaf alongwith the subject) are hereby promoted to officiate as Post Graduate Teachers in the pay scale of Rs.6500-200-10500/- and posted to Kendriya Vidyalaya shown in column 5 against their names. They must communicate their acceptance by 3.8.2002 and join the said Kendriya Vidyalaya after availing minimum joining time as per rules. If they fail to get relieved by 3.8.2002 this offer of promotion would automatically be treated as withdrawn and they would be debarred from getting further promotion for five years with attendant consequence as seniority etc. w.e.f. 4.8.2002.

2. The promotion made under SC/ST quota is subject to production of recent certificate obtained from competent official of State Govt. in support of his/her continuing to belong to SC/ST as the case may be.
3. Their pay in the time scale of Post Graduate Teachers will be fixed as per the provision of FR 22(I)(a)(1) as applicable to the employees of Kendriya Vidyalaya Sangathan. So they will have an option (a) to have the pay fixed from the date of promotion OR (b) to have the pay fixed initially at the stage of the time scale of Post Graduate Teacher above the pay of Trained Graduate Teacher which may be re-fixed on the date of accrual of next increment in the scale of TGT held by them. This option shall be exercised by them within one month from the date of joining as PGT on promotion.
4. They will be on probation for two years from the date of their joining as PGT.
5. No extension of joining time shall be allowed accept for reasons of illness/confinement of the teachers duly supported by the Medical certificate from Chief Medical Officer/Medical Supdt./Civil Surgeon of Govt. Hospital/ Distt. Hospitals or from the Chief Medical Officer of the Hospital of Public Sector undertakings/Project to which the school is attached/Military or Command Hospital as a case may be. The request if any, for extension should be received through proper channel by 3.8.2002 in Headquarters of KVS, New Delhi.
6. It is further made clear that representation for either change of place of posting on promotion or for extension of time to join the post (other than covered under Para 5 above) will not be entertained under any circumstances. Accordingly, those who accept the promotion now should get relieved positively by 3.8.2002 failing which it will be presumed that they are not interested in the promotion and hence will be debarred for a period of 5 years w.e.f. 4.8.2002.
7. The promotion is subject to further verification of the promotee possessing the requisite academic qualification as per KVS recruitment rules.

23/7/2002
(D.S.BIST)
JOINT COMMISSIONER(ADMN)

ENCL: AS ABOVE

WJ

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Copy to:

1. The teacher concerned. In case of acceptance of promotion, he/she is directed to get relieved on or before 3-8-2002 failing which it will be presumed that they are not interested in the promotion and hence will be debarred for a period of 5 years w.e.f. 4-8-2002.
2. The Principal, KV concerned where the TGT is working at present, for necessary action. Those teachers who are willing to proceed on promotion may convey their unconditional willingness/ consent to the KVS(Hqrs.) through their Principals by 3-8-2002. Those not submitting such willingness/consent with condition will be deemed to be not interested in promotion and their offer of promotion shall stand automatically withdrawn without any further notice. The teacher who give their willingness must get relieved positively on or before 3-8-2002 to join the place of posting as per rules. The Principal is further directed to ensure that the TGT concerned possess requisite academic qualification as per KVS recruitment rules. The time schedule may be strictly adhered to.
3. The Principal, where the teacher is posted on promotion with a request to intimate the date of joining of the teacher as PGT in the Vidyalaya, as soon as the said teacher reports for duty.
4. Asstt. Commissioner, KVS, Regional Office concerned. They are requested to ensure the implementation of the time schedule given in Sl.No.2 above and relieving of the willing teachers by 3-8-2002. They are requested to furnish a comprehensive report on 5-8-2002 regarding the factual position relating to the no. of TGTs relieved, no. of TGTs not accepted the promotion etc. by Fax/Speed Post to KVS (Hqrs.). The date of joining of the TGTs as PGTs on promotion may also be sent to KVS(Hqrs.) in a consolidated manner by 20-8-2002.
5. Asstt. Commissioner, KVS(Hqrs.), New Delhi.
6. AAO, KVS, All Regional Offices.
7. The Section Officer, RP-I Section, KVS(Hqrs.), New Delhi.
8. Gen.Secy., of recognized associations of KVS.
9. Guard file.

(P. DEVASENĀ)
EDUCATION OFFICER

Advocate
User
Advocate.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

2nd APR 2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench

O.A. NO. 320/2002

Filed by 15. Respondents
Through: M. K. Majumder
Advocate

2nd April 2003
38

Sri Amarendra Kumar Singh.

- Vs -

The Union of India & Ors.

IN THE MATTER OF :

Written statement filed
by the Respondent No. 3
for himself and other
Respondents.

- AND -

IN THE MATTER OF :

The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Maligaon,
Guwahati - 781012 (Assam).

.... Deponent.

- Versus -

Sri Amarendra Kumar Singh

.... Petitioner.

The humble written statement
on behalf of the Respondent
is as follows :-

1. That the Respondent states that in the Original application he has been made party

contd....p/2.

- 2 -

and a copy of the same has been served upon him. The Respondent has gone through the contents of the petition and understood the same and he is competent to file the written statement on behalf of him and for others. They being the official Respondents.

2. That the Respondent states that the statement and averments made in the original application are totally denied. The statements which are not born out of records are denied. The Respondents which are not specifically admitted may be deemed to be denied.

3. That the Respondent state that before controverting the statements and ~~and~~ averments made in the above application the Respondent craves leave of this Hon'ble Tribunal to admit the following facts of the case in brief for appreciation.

FACTS OF THE CASE

In accordance with the KVS (Appointment, Promotion and Seniority etc.) Rules, 1971 as amended from time time, 50 % posts of PGTs are filled by promotion on the principle of seniority subject to rejection of unfit from amongst TGTs who have rendered at least 05 years service as TGT or higher grade of which at least 03 years should be in the grade of TGT in KVs.

contd....p/3.

- 3 -

Accordingly, the particulars of eligible TGTs having requisite qualification and minimum five years of regular service in KVs were called for considering promotion to the post of PGT (Phy) for the year 1999-2000. The particulars in respect of Shri A.K. Singh, TGT (PCM/Maths) (Former KV, Shaktingar) were received from AC, Patna Region without his ACRs.

Shri A.K. Singh initially joined in KVS as TGT (PCM) on 04-09-1993 and his seniority number in the TGT (PCM/Maths) grade is 1334 (New Sen. no.). The name of Shri A.K. Singh was placed before the DPC in its meeting held 10-08-1999 for considering his promotion to the post of PGT (Phy) for the year 1999-2000 but the DPC could not consider his case and kept pending along with the cases of other TGTs for want of ACRs.

The name of Shri Singh was again placed before the DPC in its meeting held on 15-01-2001 for considering his promotion to the post of PGT (Phy) for the year 1999-2000 but the DPC kept his case pending along with cases of other TGTs for want of complete ACRs.

On receipt of ACRs, the name of Shri Singh was placed before the DPC in its meeting held on 19-04-2002 and the DPC recommended the name of Shri Singh for promotion to the post of PGT (Phy) for the year 1999-2000 on the basis of his service records.

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On the basis of recommendation of the DPC, the offer of promotion was issued to Shri Singh vide this office letter No. F.13-1/2002-03-KVS(E.III) dt. 23-07-2002 with posting in KV, CRPF, Guwahati as PGT (Phy) on promotion.

On receipt of offer of promotion for the post of PGT (Phy), Shri Singh has failed a petition in CAT Guwahati Bench at Guwahati and claimed for seniority with full back wages including all consequential service benefits with retrospective date.

He will be given seniority amongst the TGTs who were promoted during the year 1999-2000. As such his application become infrutious and deserves dismissal at the admission stage itself.

4. That with regards to statement made in para 4.1, 4.2, 4.3 and 4.4 the Respondents submit that there are matter of records which does not warrant any comment.

5. That with regards the statement made in para 4.5 and 4.6 Respondent denies the averments and states that -

The combined Provisional common All India Seniority list of TGTs has been made upto Sen. No. - 7481 containing the particulars of TGTs appointed up to 30-04-1988 and circulated

to the Principals, All Kendriya Vidyalayas vide letter No. F. 2-1/97-KVS (Srt. Cell) dt. 16-09-97. The up-dated Provisional common All India Seniority List of TGT (PCM/Maths) has been made up to Se. No. - 1971 containing the particulars of TGTs appointed upto December, 1998 and the same was circulated to all Kendriya Vidyalayas vide letter No. F. 10-1/2001 - KVS (RP-II) dt. - 04-04-2002 (Photo copy enclosed). The applicant's up-dated seniority number is 1334 allotted to him in the TGT (PCM/Maths) grade according to his merit position in the select panel of that particular year and not according to the date of joining. The up-dated seniority number and date of joining in respect of TGTs promoted for the year 2000-2001 vide this office letter No. F. 13-1/2001-KVS (Estt. III) dt. 08-08-2001 and ~~xx~~ referred by the petitioner are given here under :-

| Sl. No. | Name of TGTs | Date of joining | Up dated Sen. No. as TGT |
|---------|--------------------|-----------------|--------------------------|
| 01. | Sh M.A. Deshpande | 01-08-87 | 1140 |
| 02 | Shri S.N. Singh | 01-08-88 | 1581 |
| 03. | Smt. Sudha Gupta | 08-08-88 | 1581 |
| 04. | Ms. Anjali Raina | 09-09-88 | — — |
| 05. | Ms. Ancy Joseph | 22-09-88 | 1152 |
| 06. | Smt. Deepti Sharma | 06-02-90 | 1221 |
| 07. | Smt. Manju Mohan | 09-02-90 | 1214 |

contd... p/6.

- 6 -

| Sl. No. | Name of TGTs | Date of joining as TGT | Up dated Sen. No. |
|---------|-----------------------|------------------------|-------------------|
| 08. | Smt. Nisha Jain | 14-02-90 | 1187 |
| 09. | Smt. N. Geetanchali | 26-09-90 | 1232 |
| 10. | Sh N.K. Bhaiya | 20-02-92 | 1334 1246 |
| 11. | Sh P. Kumar | 24-08-93 | 1356 |
| 12. | Sh D.C. Jha | 30-08-93 | 1311 |
| 13. | Sh Rajni Kant | 01-09-93 | 1344 |
| 14. | Sh A.K. Mishra | 01-09-93 | 1289 |
| 15. | Smt. Sunita Sharma | 24-09-93 | 1376 |
| 16. | Smt. Rekha Ku Agarwal | 11-11-93 | 1379 |
| 17. | Sh Arjun Yadav | 06-12-93 | 1384 |
| 18. | Sh B.K. Das | 21-12-93 | 1322 |

The name of petitioner was placed before the DPC in its meeting held on 10-08-1999 according to his date of joining which is 04-09-1993 in TGT grade in the absence of up-dated seniority no. for considering his promotion to the post of PGT (Phy) for the year 1999-2000 all TGTs who possessed the M. Sc degree in Physics and having put in 5 years' service as such on 31-12-1993 which is the minimum requirement as per Recruitment Rules were considered for promotion by the DPC in its meeting held on 10-08-1999. But the DPC considered his case and kept pending along with the names of other cases for want of complete ACRs. The Memorandum No. F.13-1/2001-KVS (Estt.III) dt. 08-08-2001 issued by this office promoting

contd....p/7.

TGTs to the post of PGT (Phy) for the year 2000-2001 contained seniority number 7208 upto serial No. - 5 and rest of the TGTs were empanelled by the DPC according to their date of joining upto 21-12-1993 in the absence of up dated seniority list of TGTs. The applicant's up-dated seniority number is 1334 allotted to the petitioner in the TGT (PCM) grade according to his merit position in the select panel of that particular year and not according to the date of joining. The up-dated seniority list of TGTs was not available due to some unavoidable circumstances when the DPC in its meeting held on 10-08-1999 & 15/16-01-2001 for considering promotion to the post of PGT (Phy) for the year 1999-2000 & 2000-2001 respectively.

It is also relevant to mention here that the petitioner referred the names of TGTs who are promoted to the post of PGT (Phy) for the year 2000-2001 but the case of the petitioner has been considered by the DPC in its meeting held on 19-04-2002 for promotion to the post of PGT (Phy) for the year 1999-2000. On the basis of recommendation made by the DPC in its meeting held on 19-04-2002, the petitioner has been promoted to the post of PGT (Phy) for the year 1999-2000. would rank en-bloc senior in the PGT (Phy) grade to those who are promoted to the post of PGT(Phy) during the year 2000-2001.

6. That with regards to the statement made in para 4.7 and 4.8, 4.9 and 4.10 the Respondent states that the case of the applicant was under consideration in due course.

7. That with regards to the statement made in 4.11 the Respondent states that the contention of the petitioner is irreleavent. Further, the case of the petitioner was placed before the DPC in its meeting held on 19-04-2002 along with other pending cases. The DPC recommended and empanalled the name of the petitioner along with the name of other TGTs for promotion to the post of PGT (Phy) for the Year 1999-2000. Based on the recommendation of the DPC, the offer of promotion was issued to the petitioner vide Memorandum No. F. 13-1/2002-03-KVS(Estt,III) dt. 23-07-2002 by identifying the year-wise pending cases for the year 1999-2000 & 2000-2001 as well as cases for the current year 2002-2003. The last date for receipt of acceptance and reieving was 03-08-2002 failing which the offer of promotion would automatically be treated as withdrawn and they would be debarred from getting further promotion for a period of five years with attendant consequence as seniority etc. w.e.f. 04.08.2002. This clause is not applicable to the petitioner as he has accepted the offer of promotion to the post of PGT (Phy).

8: That with regards to the statement made in para 4.12 the Respondent denies the correctness.

The contention of the petitioner regarding supersession in promotion by junior TGTs to the post of PGT (Phy) for the year 1999-2000 is not correct. The case of petitioner along with the cases of other TGTs was placed before the DPC in its meeting held on 10-08-1999 & 15/16-01-2001. The DPC could not consider the case of petitioner along with cases of other TGTs and kept pending for want of ACRs. The DPC in its meeting held on 19-04-2002 has considered and recommended the case of the petitioner along with other pending cases for promotion to the post of PGT (Phy) for the year 1999-2000. The TGTs promoted to the post of PFT (Phy) under pending cases for the year 1999-2000 would rank en-bloc senior in the PGT(Phy) grade to those who are promoted for the year 2000-2001 & 2002-2003. Accordingly, the petitioner would rank en-bloc senior in the PGT(Phy) grade keeping inview his promotional panel position of 1999-2000 to those who have been promoted to the post of PGT(Phy) for the year 2001-2002 & 2002-2003.

The offer of promotion issued to the petitioner vide this office letter No. F.13-1/2002-03-KVS(E.III) dt. 23.7.2002 inadvertently indicated that the petitioner is promoted to the

post of PGT (Phy) for the year 1998-1999 instead of 1999-2000. This is typing mistake/error and the same is being corrected that the promotion of the petitioner to the post of PGT(Phy) is for the year 1999-2000 and due seniority will be given to him with effect from 1999-2000 accordingly. A corrigendum to this effect is being issued to bring the fact to the notice of all concerned.

9. That with regards to the statements made in para 4.13 the Respondent states that -

The DPC in its meeting held on 10-08-1999 & 15-01-2001 not only kept pending the case of petitioner but also cases of other TGTs whose names were within the zone of consideration for considering promotion to the post of PTG (Phy) for the year 1999-2000. On receipt of missing ACRs from the Assistant Commissioner concerned in respect of petitioner as well as other TGTs, the particulars of such TGTs were placed before the DPC in its meeting held on 19-04-2002 for considering promotion to the post of PGT (Phy) as pending cases of 1999-2000. The DPC considered such cases on the basis of their service records and recommended the eligible TGTs for promotion to the post of PGT (Phy) for the year 1999-2000.

10. That with regards to the statements made in para 4.14 the Respondent submits that

contd....p/11.

the applicant's case since being considered way back and the non-consideration period being explain theres' appears to be no bonafide reason for espousing.

11. That with regards grounds set forth and para in 5(I) to 5(VI) the answering respondent submit that these are not good grounds under the facts controverted by the respondent, and as such, no further relief as claimed in para 5 can be granted and after consideration the facts and circumstances stated by the Respondent the petition is liable to be dismissed.

12. That with regards to the ground made in para 5.1 Respondent states that -

The action on the part of respondents were taken properly to promote the petitioner along with other TGTs to the post of PGT(Phy) for the year 1999-2000 according to their date of joining in TGT grade. The order dt. 08-08-2001, 10-01-2002 & 23-07-2002 issued by KVS are proper.

13. That with regards to the ground made in para 5.2 the Respondent states that -

It is incorrect to say that the respondents have acted illegally and ignored the case of petitioner for promotion from TGTs to the post of PGTs and KVS has not maintained any seniority list. The respondents have taken

utmost care for the petitioner to promote him to the post of PGT(Phy) and the seniority list of all teaching and non-teaching staff working in KVS are maintained very well. All those who possessed the requisite length of service along with qualification for promotion to the post of PGT(Phy) were considered and recommended by the DPC.

14. That with regards to the ground made in para 5.3 the Respondent states that -

The DPC in its meeting held on 10-08-1999 & 15/16-01-2001 kept pending all the cases including the case of the petitioner whose ACRs were missing/not available. On receipt of complete ACRs, their cases were placed before the DPC in its meeting held 19-04-2002 as pending cases of 1999-2000. On the basis of service records, the DPC has recommended the case of the petitioner along with other TGTs for promotion to the post of PGT(Phy) for the year 1999-2000 and such TGTs are only entitled for their seniority in the PGT(Phy) cadre with retrospective effect.

15. That the Respondent states that para 5.4 is missing in the petition.

16. That with regards to the ground made in para 5.5 the Respondent states that -

It is incorrect to say that the respondents have acted illegally over looking the case

of the petitioner for his promotion to the post of PGT(Phy). The respondents have paid due attention from time to time for promotion of the petitioner to the post of PGT(Phy).

17. That with regards to the ground made in para 5.6, the Respondent states that -

It is incorrect to say that the respondents have acted illegally in violation of the principle of natural justice and blocking the promotional avenue of the petitioner. The respondents have paid due attention for the petitioner to promote him to the post of PGT(Phy) for the year 1999-2000. The petitioner is entitled for his seniority in the grade of PGT(Phy) with effect from 1999-2000.

18. That the Respondent respectfully submitted that considering the facts and circumstances it is crystal clear that the relief claimed under para 8 are not at all acceptable as the same has already been granted and the present application is not maintainable under section 19 of the Administrative Tribunals Act, 1985.

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VERIFICATION

I, Sunder Singh Sehrawat, S/O Shri Harish Chander
Age about 52 years, presently working as the Assistant
Commissioner, Kendriya Vidyalaya Sangathan, Guwahati Region,
Maligaon Chariali, Guwahati-12 do hereby verify that the
statement made in paragraphs 1, 2, 3 (part), 6, 16 are true to my knowledge
and those made in paragraphs 3 (part), 4, 5, 7, 8, 9 are based on records.

And I sign this verification on this the 2nd day of April
2002 at Guwahati.

Place : Guwahati

Sunder Singh Sehrawat
DEPONENT

Date : 2/04/03