

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 130/04

R.A/C.P No.

E.P/M.A No. 72/04

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SECTION OFFICER (Judl.)

FORM No. 4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Org. App./Misc Petn/Cont. Petn/Rev. Appl.....

In O.A. 130/04.....

Name of the Applicant(s) Smt. K. Devi.....

Name of the Respondent(s) Mr. O. J. & Ors.....

Advocate for the Applicant Mr. S. Hawanta, Samayit

Counsel for the Railway/CGSC K.V.S. Counsel.....

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

28.5.2004

Heard Mr. S. Hawanta, learned counsel for the applicant and also Mr. M.K. Mazumdar, learned counsel for the respondents.

The Application is admitted. Issue notice to the parties, returnable within four weeks.

List on 29.6.2004 for orders.

K.V. Prahladan
Member (A)

mb

List the case on 10.9.2004 for further orders.

K.V. Prahladan
Member (A)

10.9.04

Present: Hon'ble Mr. Justice R.K. Batta, Vice-Chairman,
Hon'ble Mr. K.V. Prahladan, Administrative Member.

None for the applicant.

Mr.

This application is in form
is filed in

by

No. 167389614

Date 26-5-04

By Registrar

S.O (CLA)

Notice & order 9.8.2004
sent to D/Section
for issuing to
respondent nos 1 to 4, bb
by regd. with A/D part.

D/Memo No = 1004
to 1007 dt. 10/6/04.

A/D card return from
CCSP No - 2, 3

24

-2- OA 130/04

12/7/04

Value received conserved
from R-1 as mark
"NO complete address!"

NI
12/10/04

9-9-04

Notice duly served
OA 2 & 2.3

Order dt. 10/9/04,
sent to D/section
for issuing to
applicant.

COB
13/9/04

10.9.04

Present: Hon'ble Mr. Justice R.K.
Batta, Vice-Chairman
Hon'ble Mr. K.V. Prahladan, Admini-
strative Member.

None for the applicant.
Mr. K. Upadhy is present for the
Respondents.

Some of the copies annexed
to the application more particularly
at page 15 and 16 are illegible.
The applicant shall type ^{files} ^{copies} the ille-
gible ^{copies} and annexed the same within a
period of two weeks from to-day.
In case ^{legible copies are} the copy is not filed within
the said period the application
shall ^{stand} dismissed. If the legible
copies are filed the matter may be
fix ^{ed} on 27.9.04.

K.V. Prahladan
Member

R
Vice-Chairman

lm

27.9.2004

None is present on behalf of the
applicant. Even on the last occasion,
i.e., to say, on 10.9.2004 no one appeared
for the applicant. On 10.9.2004, we
found that some of the xerox copies
filed on record and particularly at Page
15 and 16 ^{were} are totally illegible. How the
totally illegible copies have been filed
by the Advocate for the applicant and
how the Office has accepted the same, is
not quite understandable. The Office
shall, in future, examine all the copies
filed and if copies are not legible, the
matter shall be kept under objection and
shall not be registered till the objec-
tions are removed.

On account of absence of the applicant
or advocate for him today as also on
10.9.2004, we are dismissing the appli-
cation in default. O.A. is accordingly
dismissed in default.

K.V. Prahladan
Member (A)

R
Vice-Chairman

bb

28.9.04

Copy of the
order has been
sent to the
Office for
issuing the same
to the applicant
as well as to
the H/A & Adv. for
the receipt.

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 130 of 04

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants: Smt. K. Devi

Respondents: U.O.I & Ors.

Advocate of the Applicants:- Mr. S. Hawanta

Advocate for the Respondents:- K.V.S., Counsel.

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|----------|---|
| | 10.9.04. | Present: Hon'ble Mr. Justice R.K. Batta, Vice-Chairman. Hon'ble Mr. K.V. Prahladan, Admini- strative Member. |

Type copy

None for the applicant. Mr. K. Upadhy
is present for the Respondents.

Some of the copies annexed to the application more particularly at page 15 and 16 are illegible. The applicant shall file typed copies of illegible copies and annexe the same within a period of two weeks from to-day. In case legible copies are not filed within the said period the application shall stand dismissed. If the legible copies are filed the matter be fixed on 27.9.04.

Sd/-Vice-Chairman
Sd/ Member(Admn)

The Hon'ble court's order dated 10/9/04 informed for changing page No. 15 and 16 type copies. vide order dated 13/9/04.

NS
24/9/04.
vide
no type copy filed by
the counsel.
NS
27/9/04

O.A 130/04

Notes of the Registry

Date

Orders of the Tribunal

13.9.04

W/s filed by the
Respondent Nos. 2, 3 and 4.

Pro.

Notes of the Registry

Date

Orders of the Tribunal

00

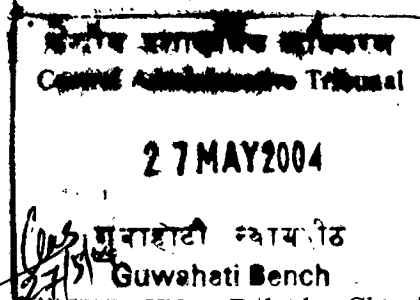
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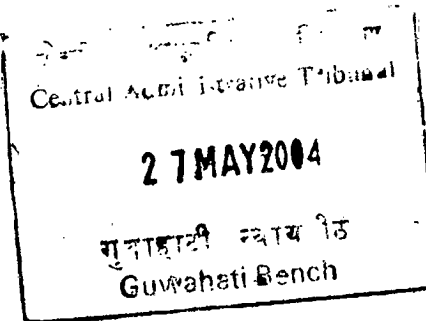
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Facts of the Case

1. Applicant is the wife of Late Karna Bahadur Cherru, who was serving as peon. Grade-IV in the Kendriya Vidyalaya, Lamphelpat, Manipur.
2. 2.23.2.1981 : Appointment of the applicant's husband on regular basis at Kendra Vidyalaya.
3. 5.10.1989 : Disappearance of applicant's husband.
4. Applicant reports the disappearance of her husband.
5. 5.5.1996 : belated report by the Officer-in-charge Lamphel P.S. to all Police Stations to locate the husband of the applicant.
6. Applicant and her two children solely dependant upon her husband.
7. 29.4.1991 : Application to the Principal, Kendriya Vidyalaya, Imphal for compassionate appointment. / service benefits - length of service
8. 1.1.1997 : Another application to the Principal.
9. 14.12.1999 : Application to the Chairman, Kendriya Vidyalaya, Imphal.
10. 18.3.2000 : Application to the Asst. Commissioner, KVS, Silchar.

স্বীকৃতি



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 130 OF 2004

Smt. Khoma Devi.

.....Applicant.

- Versus -

1. Union of India and Others.

.....Respondents.

I N D E X

| SL.NO. | PARTICULARS | ANNEXURE | PAGE NO. |
|--------|---------------------------|----------|----------|
| 1. | Application | | 1 - 11. |
| 2. | Verification | | 12. |
| 3. | Appointment order | A/1. | |
| 4. | Message Form | A/2. | |
| 5. | Certificate dt.13.10.2000 | A/3. | |
| 6. | Application dt.29.4.91 | A/4. | |
| 7. | Application dt. 1.1.97. | A/5. | |
| 8. | Letter dt.24.11.98. | A/6. | |
| 9. | Letter dt.29.1.99. | A/7. | |
| 10. | Application dt.14.12.99. | A/8. | |
| 11. | Application dt.18.3.2000. | A/9. | |
| 12. | Application dt.9.6.2000. | A/10. | |

Filed by:- *Samarjit Huidrom*
Advocate.

% (Sushil Huidrom)
Advocate.

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH : GAUHATI

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

130
ORIGINAL APPLICATION NO. of 2004

BETWEEN

1. Smt. Khoma Devi @ Khoma Devi
Kshetri, aged about 35 years,
W/o. late Karna Bahadur Kshetri
of Mantripukhri, P.S. Sekmai, at
present AIWC Shrot Stay House,
Purana Rajbari, Nongmeipung,
P.S. Imphal, Imphal East District,
Manipur.

.....APPLICANT

- VERSUS -

- Deleted Resp. No 1, ~~Union of India,~~
vide order dt. 9/8/04.
passed in MP No = 72/04.
11/8/04
1. Union of India,
represented by the Secretary to
the Govt. of India, Ministry of
Human Resources Development,
New Delhi.)
 2. The Commissioner,
Kendriya Vidyalaya Sangathan
(Head Office) New Delhi.

To be contd...2/-

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3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
(Regional Office) Silchar.
4. The Principal,
Kendriya Vidyalaya (Central School)
Lamphelpat, Imphal, Manipur.

.....RESPONDENTS

DETAILS OF THE APPLICATIONS

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

This application is made against the non-payment of family pension (pensionary and other service benefits) following the death/disappearance of late Karna Bahadur Chhetri, while in service as a grade-IV in the Kendriya Vidyalaya, Imphal where he served for about 9 or 10 years before his disappearance on ²¹5-10-1989, and who has since then not been heard of for more than seven to nine years, till date.

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the case which she wants to redress is within the jurisdiction of this Tribunal.

To be contd.....3/-

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3. LIMITATION :

The applicant further declares that the application is within the limitation prescribed under Sec.21 of the Central Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE :

- 4.1. That, the applicant is the wife of late Karna Bahadur Chhetri, a permanent resident of Mantri-pukhri, P.S. Lamphel, Imphal West District, was serving as a peon, grade-IV in the Kendriya Vidyalaya, Lamphelpat since 23-2-1981 on regular basis as appointed by the Principal of the same Kendriya Vidyalaya under his Office Memo.No.CS1/appointment/Q1-5989 dtd.31-1-1981. He joined the Kendriya Vidyalaya as such a grade-IV employee on 23-2-1981. He was on probation for a period of 2 (two) years, and thereafter, on a successful completion of the probation, his appointment stood confirmed/regularised and his service were never terminated.

A true photostat copy of the appointment order/Memorandum dtd. 31-1-1981 by which late Karna Bahadur Chhetri was appointed and required to join as a grade -IV employee of the said Kendriya Vidyalaya, is attached hereto as Annexure A/1.

To be contd...4/-

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- 4.2. That, the said Kendriya Vidyalaya, Imphal is an educational institution having its Head Office known as Kendra Vidyalaya Sangathan, in New Delhi with a branch office at Silchar and other branch offices at different parts of the country under the Govt. of India, Ministry of Education & Human Resources Development.
- 4.3. That, the applicant is the wife of the said grade-IV employee Karna Bahadur Chhetri and she has been living with her children together at all relevant times and they were all dependents of the employee. During the course of his continuous employment in the Kendriya Vidyalaya, the said Karna Bahadur Chhetri had disappeared on 5-10-1989 and since then his whereabouts have not been known to anybody till to-day.
- 4.4. That, the applicant reported the factum of disappearance of her husband Karna Bahadur Chhetri to the Principal of Kendriya Vidyalaya, Lamphelpat and the other authorities including the Police in time. The applicant had subsequently discovered that there was no timely action taken up by the police in the matter, and accordingly, on a subsequent report, the officer-in-charge of Lamphel P.S. sent message bearing No.872/IPS/96 dated 5/5-1996 to all the police stations in Manipur to locate the whereabouts of Karna Bahadur Chhetri. But he couldnot be located and his whereabouts have been unknown till date.

To be contd....5/-

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A true photostat copy of the latest Message FORM bearing No.872/LPS/96 dtd.5-5-1996 of the Office-in-charge of Lamphel ~~Stat~~ Police Station sent to all the Police Stations in Manipur regarding the efforts to trace out of Karna Bahadur Chhetri is attached hereto as Annexure A/2.

A true copy of the Certificate dated 13-10-2000 of the O/C Lamphel P.S. regarding the ODE No.117/96 dated 6-5-1996 of his Police Station about the disappearance/missing of Karna Bahadur Chhetri, is attached hereto as Annexure A/3.

- 4.5. That, as the applicant have not been able to trace out Karna Bahadur Chhetri, they have suffering great hardship and inconvenience in all spheres of their life more particularly for want of their source of livelihood because they were his dependants and he was the only earning member in their family. Accordingly, ~~perkkian~~ the applicant filed applications from time to time to the authorities of Kendra Vidyalaya for granting her service benefirs of the missing person and also for appointing her to a grade-IV post.

A true copy of the application dated 29-4-1991 of the applicant addressed to the Principal, Kendriya Vidyalaya

To be contd.....6/-



(Central School), Imphal, for compassionate appointment of the applicant is attached hereto as Annexure A/4.

A true copy of another application dated 1-1-1997 addressed to the Principal of Kendriya Vidyalaya, is also attached hereto as Annexure A/5.

- 4.6. That the Principal of Kendriya Vidyalaya, Imphal had taken up process for compassionate appointment of the applicant under his letter No.F.Misc./KVI(SR)/98/2460 dated 10-11-1998 addressed to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar, and the latter in his turn, under letter No.2-23(A)/97-KVS(SR) dated 24-11-1998 addressed to the former required certain informations to be furnished in respect of Karna Bahadur Chhetri.

A true copy of the letter No.2-23(A)/97 KVS(SR) dated 24-11-1998 of the Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Silchar, is attached hereto as Annexure A/6.

- 4.7. That, the principal of Kendriya Vidyalaya, Imphal under his letter No.Pers/KVI/SR2574 dated 29-1-1999 addressed to the Asstt. Commissioner, Kendriya Vidyalaya Sangathan, Silchar had furnished the required available documents in connection with the claim for compassionate appointment of the applicant.

To be contd.....7/4

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A true copy of the said letter No. Pers/
KVI/SR/2574 dated 29-1-1999 of the
Principal of Kendriya Vidyalaya, Imphal
is attached hereto as Annexure A/7.

4.8. That, the respondents have not, thereafter, taken
up any further action on the request/claim of the
applicant. But the applicant persuaded their claim
for grant of service benefits in respect of late
K.B.Chhetri by submitting applications from time
to time. One of her application dated 18-3-2000 is
addressed to the Asstt. Commissioner, Kendriya
Vidyalaya Sangathan, Regional Office, Silchar, has
referred to letter No.F-2/23(A)/97-KVS(SR)/8635 dated
1-3-2000 of the Asst. Commissioner, KVS, Silchar,
which was sent to and received by the applicant,
but the said letter has been misfiled and untraceable.

A true copy of the application dated
14-12-1999 of the applicant for her
compassionate appointment, addressed
to the Chairman of Kendriya Vidyalaya
Lamphelpat, bearing acknowledgement
of receipt by the Chairman himself
is attached hereto as Annexure A/8.

A true copy of the another application
dated 18-3-2000 of the applicant addre-
ssed to the Asst. Commissioner, KVS,
Silchar is attached hereto as Annexure
A/9.

To be contd....8/-

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A true copy of the latest application dated 9-8-2000 of the applicant addressed to the same Asst. Commissioner, KVS, Silchar, is also attached hereto as Annexure A/10.

4.9. That the respondents have not yet taken up any further action on the claim of the applicant for grant of service benefits including pensionary benefit in respect of late Karna Bahadur Chhetri and also for compassionate appointment of the applicant against a Group D Post (Grade-IV) under the Kendriya Vidyalaya Sangathan.

4.10. That, the applicant has been in a very retched condition suffering from great hardship and miseries of life for want of proper maintenance or source of livelihood for the last many years. The two minors of the applicant have somehow been reading in a local school at Imphal. The applicant does not understand as to how long she would be able to manage for further education of her minor children.

5. GROUND FOR RELIEF WITH LEGAL PROVISION :

5.1. That, denial of the right to life/livelihood and equality before the law guaranteed and enforceable under Art.14 and 21 of the Constitution of India.

5.2. Shri Karna Bahadur Chhetri (the grade-IV employee) having not been heard for more than 7 years, ought to be deemed as to have been 'dead' under Sec.108 of the Evidence Act.

To be contd.....9/-

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- 5.3. That, the authorities (respondents) have got responsibilities and obligations to consider and dispose of the claim of the applicant's favourably. It is not justified at all for them to remain silent over the claim of the applicant for so many years after the disappearance of their poor grade IV employee.
- 5.4. That, the deceased Karna Bahadur Chhetri having been employed on regular basis for more than 9 years after observance of all the norms and formalities of appointment as established by the document at Annexure A/1 hereto, his dependants (applicant) is entitled to enjoy his service benefit including family pension and right of employment of one of his dependants under the die-in-harness scheme, vide Rules 50, 51 and 54 of the CCS (Pension) Rules, 1972 read with the Rules under Appendix 2 to the same Rules.
- 5.5. That, the respondents have not expressly declined to grant their reliefs sought for by the applicant. As disclosed by the facts and circumstances of the case enjoined by the official documents of the respondents, the applicant has been given a legitimate expectation of getting the desired reliefs for sometime past. But the respondents have not positively responded as yet.
- 5.6. The applicant have got statutory as well as fundamental rights for getting the service benefits

To be contd.....10/-

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of the deceased employee from the respondents, the benefits being that of gratuity, C.P.F., S.P.F. balance, leave encashment (Payment in lieu of unutilised earned leave), family pension, etc. But they have been denied to get these rights till today violating articles 14 and 21 of the Constitution of India.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant states that there is no other statutory and/or alternative remedy which the applicant is supposed to have exhausted before approaching this Hon'ble Tribunal.

7. MATTERS NOT PENDING WITH ANY OTHER COURT OR TRIBUNAL:

The applicant declares that the matters regarding which this application is made is not pending before any court of law of any other authority or any other bench of the Hon'ble Tribunal.

8. RELIEF SOUGHT FOR :

Under the facts and circumstances stated as above, it is most respectfully prayed that the Hon'ble may be pleased to admit this application, call for the records of the case upon hearing the parties on cause or causes that may be shown and on perusal of their records be pleased to grant the following reliefs to the application :-

To be contd.....11/-

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- 8.1. To issue rule against the respondent and make the same absolute by appropriate direction to grant the applicant's service benefits like gratuity, family pension, leave encashment, G.P.F., balance, etc. from the respondents.
- 8.2. To direct the respondents for appointment of applicant to a grade-IV post under the die-in-harness scheme.
- 8.3. To pass such further or other order/orders as the Hon'ble Court may deem fit and proper.

9. INTERIM ORDER PRAYED FOR :

The applicant further prays that pending disposal of this application Your Lordships may graciously be pleased to pass an interim order directing the respondents to grant provisional family pension and some other monetary benefits by way of interim measure to the applicant during the pendency of this application.

The application is filed through an Advocate.

PARTICULARS OF THE I.P.O. : 33C 389614

I.P.O. NO. :

DATE

: 26/5/2004.

Payable at Gauhati

LIST OF ENCLOSURES :

As indicated in the Index.

To be contd.....12/4

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VERIFICATION

I, Smt. Khoma Devi @ Khoma Devi Kshetri, aged about 33 years, w/o. Late Karna Bahadur Chhetri, a resident of Mantripukhri, P.S. Lamphel, at present AIWC Short Stay House, Purana Rajbari, Nongmeibung, P.S. Imphal, Imphal East District, Manipur, do hereby verify and state that the statements made in paragraphs 2, 3, 4, 5, 6, 7, 8, 9 are true to my knowledge and those made in paragraph 1, 4.1, 4.2, 4.3 to 4.10 are matters of records which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 26 day of May 2004 at Imphal.

खोमा देवी

Signature.

खोमा देवी

KENDRIYA VIDYALAYA IMPHAL

No. CSI/Appointment/81-5989

Dated 31.1.1981

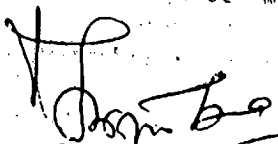
MEMORANDUM

Subject :- Appointment to the Post of Grade-IV Employee

With reference to his/her application dated _____ Mr/Mrs/ Mrs Karana Bahadur Chhetri is hereby informed that he/she has been selected for appointment against a temporary post of Grade-IV in Kendriya Vidyalaya Imphal on an initial pay of Rs. 196/- in the scale of Rs. 196-3-220-FB-3-232/-. He/she will draw allowances and other benefits in addition to pay at rates as admissible to the Kendriya Vidyalaya Employees. This appointment is subject to the candidate being declared fit for the post of by a civil surgeon.

2. No T.A. will be admissible for first joining the Sangathan as Grade-IV
3. 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 in his/her turn according to the availability of permanent vacancies.
4. During probation and there after, until he/she is confirmed the services of the appointee are terminable by one month's notice on either side without any reason 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 un-expired portion thereof.
5. Other terms and conditions of service governing the appointment are as laid down in the Education Code for Kendriya Vidyalaya as amended from time to time. He/she will be liable to transfer any where in India. This condition has already been accepted by the candidate. Initially he/she is posted as Grade-IV employee at Kendriya Vidyalaya Imphal
6. 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 appointment, the courts at Delhi alone shall have the jurisdiction.
7. If he/she accepts the offer or the terms and conditions stipulated, he/she should send his/her acceptance immediately on receipt of this Memorandum in the form attached and join the K.V. mentioned above. This acceptance should be reached by the undersigned in any case by 18.2.1981. If the appointee does not report for duty at the above named K.V. by 24.2.1981 this offer of Appointment will be treated as cancelled and no further correspondence will be entertained from him/her.
8. He/she will not request for transfer outside the state within three years of initial on the first posting.

Attested
True Copy
Samarjit H.
Advocate


Principal
Kendriya Vidyalaya Imphal
Imphal

14-

ANNEXURE A/2 22

IN LIBU OF MSG - FORM

TO: OSc / PSS IN MANIPUR (-)

FM: OC / LPS - PS (-)

NO. 872 / LPS / '96

DTD - 5/5/96

2 ONE SMT KHOMBE DEVI DIO CHANNAH

CHI SHARMA OF KANTLANTON, BI AP

ARRIVED BEFORE THIS PS AND REPORTED

THAT HIS HUSBAND NAMELY SHRI KAR-

AN BAHADUR CHHETRI S/O (L) PURNA

BAHADUR CHHETRI OF NEPAL WHO

WAS SERVING A CLASS "D" EMPLOYEE

OF KENDRIYA VIDYALAYA, LAMPHELPAT

HAD BEEN MISSING SINCE OCTOBER

1989 (-) PSB MAKE A SHARP LOOKOUT

IN YOUR RESPECTIVE JURISDICTION

AREAS AND INTIMATE TO THIS P.S.

ROUND 2

Sd/-
OC / LPS
DT. 5/5/96

Attached
True Copy
Samant H.
Advocate

Imphal : 1.1.97.

To
The Principal
Kendriya Vidyalaya, Lamphelpat/Imphal.

Subject :- Appointment on compassionate ground in respect of
Smt. Koma Devi, W/O Sh. Karna Bhadur Chettri, Group 'D'
employee, KV, Lamphelpat, Imphal.

Sir,

With due respects, I have to make a humble submission that:

I had applied to the Chairmain, Kendriya Vidyalaya Sangathan, New Delhi for my appointment as a grade 'D' employee in place of my missing husband, Shri Karna Bhadur Chettri who was working in your school as a grade 'D' employee till sometime upto October 1989. Since then his whereabouts are not known, Commissioner, K.V. Sangathan, New Delhi vide their letter No.F.7-3/(19)/96-KVS(E.IV) dated 12.1.96 advised me to furnish some documents through you for necessary action (copies enclosed).

Now, I am, submitting all the relevent documents as desired by the Commissioner, K.V. Sangathan to you for forwarding to the Commissioner, K.V. Sangathan, New Delhi.

I am, enclosing, one set of documents for your record also.

With regards.

Yours faithfully,

Encl :- As above (11 items in each set)

(Smt. Koma Devi)

C/O Dr. R.K. Kaul,
Regional Institute of Medical Science Colony,
Lamphelpat, Imphal 795004

Attached
True Copy
Samarjit
Advocate

- 18 -

ANNEXURE A/6

34009 (AC) with Fax
34139 (AC) Regd.
34154 (AO)
21250 (EO)

केन्द्रीय विद्यालय संगठन
KENDRIYA VIDYALAYA SANGATHAN

क्षेत्रीय कार्यालय
अस्पताल रोड
सिलचर-788001

Regional Office
Hospital Road
Silchar-788001

No. : 2-23(A)/97-KVS(SR)

Dated 24-11-98
REGD.

To

The Principal,
KV, Lamphelphet Imphal

Sub: Compassionate appointment in r/o Smt. Khoma Devi wife of
Shri K.V. Chetry, missing Gr'D' employee of KV, Lamphelphet,
Imphal-reg.

Sir,

I am to refer your letter No.F.Misc/KVI(SR)/98/2460 dated
10-11-98 on the subject cited above. You are requested to send
the following information to this office in respect of Shri K.V.
Chetry, missing Gr'D' of your Vidyalaya for further necessary
action.

1. How is he missing?
2. From where is he missing?
3. Date and time of missing.
4. Any other back ground of the case.
5. Case history in details to be certified by the Principal.
6. whether any financial benefits pertaining to the service
matter have been released to the family.
7. Loans/Advances liable to be recovered from the missing
employees.
8. Dues of the missing employees.
9. FIR to the police and final report from the police/
District Magistrate to be sent to this office. The
claimant is also required to produce proper and indis-
putable proof of death or Decree of the court that
employee concerned should be presumed to be dead as laid-
down in section 108 of the Indian evidence act.

Yours faithfully,

(S.P. BAURI),
ASSTT. COMMISSIONER

Attached
True copy
Submitted H.
Advocate



KENDRIYA VIDYALAYA, IMPHAL

Telephone/दूरभाष 310614

केन्द्रीय विद्यालय, इम्फाल

LAMPHELPAT - 795 004, IMPHAL (MANIPUR)

सम्फलपात - ७९५००४, इम्फाल (मणिपुर)

Rf. No./संदर्भ संख्या 2-23(A)/97-KVS(SR) 25/11/99 दिनांक 29.11.99

The Asstt. Commissioner
Kendriya Vidyalaya Sansthan
Regional Office, Silchar.

Subject :

Companionate appointment
in respect of Smt. Khoma Devi
wife of Sh. K. V. Chhetry, missing
Group 'D' employee of K.V.
Lamphelpat, Impal ..reg.

Ref; Your letter No. 2-23(A)/97-KVS(SR)
7447 dated 24.11.98.

Sir,

With reference to, your letter No.
mentioned above on the subject, I am
forwarding herewith the required available
documents for your kind perusal and
necessary action please.

With regards.

Yours faithfully

[Signature]

(U. C. P. Sharma)
Principal/प्रधानाचार्य
Kendriya Vidyalaya
केन्द्रीय विद्यालय
Impal/इम्फाल

Encl : as stated :

Attested
True Copy
Samant H
Advocate

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A/8
MINISTRY

Date: 14/12/99

To

The Chairman,
U.M.C.
Kendriya Vidyalaya,
Lamphelpat, Imphal.

Sub: Relief to the family of Late, K.B. Chhetri Group 'D'.

Sir,

I, the undersigned lay a few lines for your kind and sympathetic action.

1. My husband Shri. K.B. Chhetri, Group 'D' K.V. Lamphelpat could not be traceable as per police report since 1989 to till date.

2. That I believe that he is no more on this earth.

3. That, I suffer a lot of hardships as I do not have any source of income.

4. That I am staying at Mahila Kalyan Samiti with my children with a great difficulty.

I, therefore request you to expedite the funds in the name of Shri. K.B. Chhetri to help the family as per the central Govt. rules.

I, also request you to give appointment on compassionate ground.

Thanking you,

Yours faithfully

स्वामी

Copy to:

1. The Asstt. Commissioner, K.V.S. Silchar for information and necessary action.
2. The Commissioner, K.V.S. HQ New Delhi- for information.

Mr. KHOMA DEVI)

W/o - Late K.B. Chhetri
Nongmeibung
Khongnang Subi
Hostel Imphal

(KHOMA DEVI)

Kendriya Vidyalaya
Lamphelpat Imphal.

Principal K.V. Lamphelpat

Attested
True Copy
Sammy H
Advocate

29
10

ANNEXURE A/9

Date : 18-03-2000

The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, Silchar

Sub: Compassionate appointment in respect of Smt. Khoma Devi, w/o missing Sri K.V.Chhetry,
Group 'D' KV Lamphelpat, Imphal.


Sir,

With reference to your letter No. F.2-23/(A)/97-KVS(SR)/8635 dated 1-3-2000 I bring into your kind notice the following points:

1. That my husband Sh.K.V.Chhetry is missing w.e.f. the afternoon (After School hours) of 5th October, 1989
2. As per the FIR lodged in Lamphelpat Police Station Sh. K.V.Chhetry is missing from his residential quarters in the vidyalaya w.e.f. the afternoon of 5-10-1989.
2. I have two daughters and at present living in ANATHASHRAM run by Government of Manipur and have no source of income to survive myself and my two daughters

I therefore, request your honour to provide me service of Group 'D' in place of my husband Sh. K.V.Chhetry on compassionate ground so that I can get respect in society and survive my daughters and myself. I also request you sir to give me the service benefits of my husband.

Yours faithfully,


Smt. Khoma Devi
W/o Missing Sh.K.V.Chhetry
Group 'D', KV Lamphelpat, Imphal

Copy to : 1. The Deputy Commissioner (Acad.), KVS New Delhi
2 The Chairman, V.E.C. KV Lamphelpat, Imphal

Attested

True Copy

Samangit
Advocate

To
The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Silchar Region,
Silchar-1.

Through Proper channel,

Subject:- Compassionate appointment, in respect of Smt. Khoma Devi
wife of missing Shri K.V.Chetry, Group 'D' employees of
Kendriya Vidyalaya, Lamphelpat, Imphal.

Sir, Most humbly and respectfully, you are requested kindly
to make use of your good office in making an arrangement to ~~XXXX~~.
prayer. I have already submitted an application with reference to
your letter No. F-2-23/(A)/97-KVS(SR)/8635 dated 01-03-2000.

I have two daughters and at present living in Anath ashram
run by Government of Manipur and have no source of income to survive
my family.

I, therefore, request to your honour to provide me a service
of Group D in place of my husband on compassionate ground so that
I can look after my family, and I request to you to grant me the
service benefits of my husband.

Awaiting an early appointment from your good office.
I shall ever remain indebted to you.

Thanking you.

Date 9.8.2000

Imphal

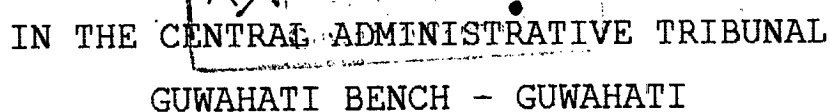
Yours faithfully

खोमा देवी

(Smt. Khoma Devi)

W/O Missing Sh.K.V.Chetry
Group D KV Lamphelpat, Imphal.

Attached
True Copy
Samant 4
Advocate



Smt. Khoma Devi

Applicant

-V E R S U S-

Union of India & others

Respondents

Written Statement filed by the Respondent
No.2, 3 & 4:

I, Sri Dr.E.Prabhakar, the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Silchar, do hereby solemnly affirm and file written statement on my behalf and on behalf of Respondent No.2 & 4 as under:-

1. That the applicant in the instant case filed this Original Application arraying the deponent as party, Respondent No.3 and a copy of the O.A have been served and the deponent have gone through the contents of the petition and have understood the same.

2. That the deponent states that he being the Assistant Commissioner of the region is acquainted

Contd... ..

with the facts and circumstances of the case and being authorised by the Respondent No.2 is competent to file this written statement in his official capacity for himself, Respondent No.2 and the Respondent No.4 who is subordinate to him.

3. That the deponent states that the allegations / averments which are not borne out of records are denied and not admitted. Any allegations / averments which are not specifically admitted hereinafter are deemed to be denied.

4. That the deponent before controverting the contents of the paragraphs made in Original Application begs to apprise that the Kendriya Vidyalaya Sangathan is registered under the Societies Registration Act XXI of 1860 and fully financed by the Government of India with the objective of -----

(I) to meet the educational need of children of transferable Central Government Employees including defence personnel by providing common syllabus of education.

(II) to develop Vidyalaya as a model school in the context of National goal of Indian education.

Contd....

(III) to initiate / promote experimentation in the field of Education in collaboration with other bodies like C.B.S.C, N.C.E.R.T etc and

(IV) to promote national integration.

5. Further the Respondent begs to submit the preliminary submission that relating to the instant cases as under ---

Smt. Khoma Devi, wife of K.B Chetri, a Group D employee of Kendriya Vidyalaya, Imphal have filed this O.A regarding non-payment of family pension, an appointment on compassionate ground.

In this connection it is stated that the matter regarding appointment on compassionate ground was pending for some information till today. However, request of compassionate appointment in respect of the petitioner was considered in terms of Government of India, Department of Personal and Training O.M No.14019/6194/Estt(D) dated 09-10-1998 vide which it is observed that the compassionate appointment can be granted to the eligible candidates within 5% of the total vacancies in lower cadre against the recruitment.

6. The Respondent Office had received the report of disappearance in December 1995. This office had received a representation in the year 1997 from applicant wherein she requested for

Contd....

appointment on compassionate ground pursuant to the Head Quarter letter dated 12-01-1996 advising her to furnish documents. Since the application was not complete she was requested to submit the application in required Performa duly complete in all respect alongwith a copy of the F.I.R lodged in connection with missing of her husband.

7. Again the petitioner's application alongwith a copy of F.I.R was received on 30-11-1999 wherein it was found that though the husband of the petitioner was missing on 1989, the police entry was made on 1996 to the above effect. The reply to the above query was not received till today. Hence the matter was delayed and therefore the matter was pending.

In view of the above there appears to be no delay on the part of the respondent. The Respondent could take action on the matter of pension and appointment only on receipt of relevant records / after fulfilling the queries.

8. It is also submitted that the Board of Directors of K.V.S vis-à-vis Kendriya Vidyalaya Sangathan is the authority to approve the policies of the Sangathan. The Commissioner, K.V.S is the Chief Administrator and Chief Executive to implement the policies approved by the Board of Governors. The K.V.S now approved a policy to take service of private agencies, registered under the

Contd... ..

law, on hire to take up the task of lower cadre employees employed for the task of gardening, watch and ward duties which were till 1999 looked after by Group D employees.

9. Further, due to phase-wise privatisation of the Group D services as per Article 151 A of Education Code followed by the norms and procedure detailed in Appendix 7A of Accounts Code of Kendriya Vidyalaya, there is no Group D post to which compassionate appointments can be made.

In view of the above position the request of the petitioner regarding appointment on compassionate post of Group D employee cannot be acceded to.

10. The deponent further submits that the applicant has not been able to submit the papers and documents in prescribed performa for settlement of pension benefits inspite of several request made by the Respondent No.4, the Principal, KV No.1 Lamphelpat, Imphal. As such there is no delay on the part of the respondents to settle the benefits admissible under rules to the applicant.

Keeping in view the facts explained above the O.A has no merit and may please be dismissed to meet the ends of justice.

VERIFICATION.....page/6

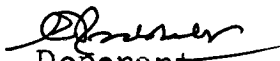
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VERIFICATION

I, Dr. E. Prabhakar, Assistant Commissioner,
Kendriya Vidyalaya Sangathan, Regional Office, Silchar,
Distt. Cachar, Assam the respondent/applicant of the
instant case do hereby solemnly verify that the
statements made in the paragraphs 1, 2, 4, 5
are true to my knowledge, those made in
paragraphs 6, 7 & 8
are being matters of records are true information
derived therefrom which I believe to be true.

And I sign this verification today on this the
day of 8/9/ 2004.


Deponent
Asstt. Commissioner
KVS (R.O.) Silchar