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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

MP-27/05 ordersheet

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Disposed Date - 18/01/05

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SECTION OFFICER (Judl.)

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

ORDER SHEET

29/1/04

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

In O.A.

Name of the Applicant(s) ... N. M. Mazumdar, learned

Name of the Respondent(s) ... K. O. T. Goyal, learned

Advocate for the Applicant A. Dasgupta, K. Bhattacharjee

Counsel for the Railway / CGSC ... K. M. S. ... learned

ORDER OF THE TRIBUNAL

OFFICE NOTE

DATE

25.11.04

The application is in form
is filed C. F. I. No. 3096
deposited vide P. B. No.
No. 209/1359/6
Dated 23.11.04

Dy. Registry

R
25/11/04

Steps taken

Heard Mr. A. Dasgupta, learned
counsel for the applicant assisted by
Mr. K. Bhattacharjee as well as Mr. M. K.
Mazumdar, learned counsel for the
respondents. List the matter for hearing
on interim relief before the Division Bench on 30.11.04.

In the meantime status quo is to
be maintained till the next date
regarding the continuation of the
applicant in his/her present post.

I. Chakrabarty
Member

Present: Hon'ble Justice Shri
R. K. Batta, Vice-Chairman
Hon'ble Shri K. V.
Prahadan, Member (A).

Heard Mr. A. Dasgupta, learned
counsel for the applicant and
Mr. M. K. Mazumdar, learned counsel
for the respondents 2 and 3.

Issue notice to the respondents on admission. Mr. M. K. Mazumdar, learned counsel for the respondents seeks four weeks time to file reply.

List on 4.1.2005 for filing
reply. Status quo order dated
25.11.04 shall continue till
next date.

K. Bhattacharjee
Member

R
Vice-Chairman

Notice & order
sent to D/Section
for issuing to
resp. Nos. 1, 2 and
resp. No. 3 received
by hand.

Class
21/12/04

4.1.2005

Mr K. Bhattacharjee, learned counsel for the applicant and Mr M.K. Mazumdar, learned counsel for the respondents are present.

On the plea of Mr M.K. Mazumdar, learned counsel for the respondents four seeks time is allowed for filing reply. List on 3.2.2005 for filing reply. Status quo order dated 25.11.04 shall continue till next date.

K. Bhattacharjee
Member

bb

10.1.2005

Written statement has been filed. The applicant may file rejoinder, if any. List on 3.2.2005. Status quo order dated 25.11.2004 shall continue till next date.

K. Bhattacharjee
Member (A)

mb

CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH

Original Application Nos. O.A.268/04(M.P.127/04), 269/04(M.P.129/04), 270/04(114/04), 271/04(M.P.134/04), 272/04(M.P.131/04), 273/04(M.P.120/04), 274/04(M.P.128/04), 275/04(M.P.130/04), 276/04(M.P.135/04), 277/04(M.P.117/04), 278/04(M.P.118/04), 279/04(M.P.116/04), 280/04(M.P.133/04), 281/04(M.P.115/04), 282/04(M.P.132/04), 283/04(M.P.124/04), 284/04(M.P.121/04), 286/04(M.P.126/04), 287/04(M.P.122/04), 288/04(M.P.119/04), 289/04(M.P.136/04), 290/04(M.P.159/04), 291/04, 292/04(M.P.137/04), 293/04(M.P.163/04), 294/04(M.P.160/04), 295/04(M.P.138/04), 296/04(M.P.161/04), 297/04(M.P.164/04), 298/04, 299/04(M.P.157/04), 300/04(M.P.139/04), 302/04(M.P.158/04), 303/04(M.P.162/04), 304/04(M.P.140/04), 305/04(M.P.141/04), 306/04(M.P.123/04), 307/04(M.P.125/04) and 313/2004.

Date of Order : This the 16th day of February, 2005.

THE HON'BLE MR. M.K. GUPTA, JUDICIAL MEMBER.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER

1. O.A. No. 268/2004 and M.P. 127/2004

Mrs. Biraja Mishra
Wife of Ashok Kumar Mishra
Principal, Kendriya Vidyalaya
Happy Valley
Shillong.

2. O.A. No. 269/2004 with M.P. 129/2004.

Shri Ashok Kumar Mishra
Son of Shri Bhahaban Mishra
Principal, Kendriya Vidyalaya
EAC, Upper Shillong, Shillong.

3. O.A. 270/2004 with M.P. 114/2004.

Smti. Ina Baruah
Daughter of Late Munindra Nath Gogoi, IAS,
Sundarpur Zoo Road,
P.O. & P.S. - Dispur, Guwahati - 5.

4. O.A. 271/2004 with M.P. 134/2004.

Shri Ashok P
Son of Late Sri K.S. Paramu Pillai
Principal, Kendriya Vidyalaya, AFS,
Jorhat, Assam.

5. O.A. 272/2004 with M.P. 131/2004.

Shri Amit Tripathi
 Son of Shri Debabrata Tripathi
 Principal, Kendriya Vidyalaya
 Tura, Garo Hills, Meghalaya.

6. O.A. 273/2004 with M.P. 120/2004.

Shri Ranjit Kumar Sinha
 Son of Shri Tej Kishore Prasad Sinha
 Principal, Kendriya Vidyalaya, AFS,
 Borjhar, Guwahati, Guwahati – 17.

7. O.A. 274/2004 with M.P. 128/2004.

Sri Chandra Kumar Ojha
 Son of Sri Shakti Kumar Ojha
 Principal, Kendriya Vidyalaya
 HPCL, Jagiroad, Morigaon, Assam.

8. O.A. 275/2004 with M.P. 130/2004.

Sri Janakirajan Dash
 Son of Late Mayadhar Dash
 Principal, Kendriya Vidyalaya, AFS,
 Digaru, Kamrup, Assam.

9. O.A. 276/2004 with M.P. 135/2004.

Sri R.C. Agarwal,
 Son of Late Roshan Lal Agarwal
 Principal, Kendriya Vidyalaya,
 ONGC, Jorhat.
 Assam.

10. O.A. 277/2004 with M.P. 117/2004.

Shri K.S. Murali Krishna
 Son of Shir K. Sankar Narayan
 Principal, Kendriya Vidyalaya
 No. 1 Tezpur, Assam.

11. O.A. 278/2004 with M.P. 118/2004

Shri Nilamani Pany
 Son of Late Murali Dhar Pany
 Principal, Kendriya Vidyalaya
 Umroi Cantt.
 Shillong, Meghalaya.

12. O.A. 279/2004 with M.P. 116/2004

Sri Gona Rama Rao

Son of Shri Giona Raghupati Rao
 Principal, Kendriya Vidyalaya,
 Missnari, Sonitpur, Assam.

13. O.A. No. 280/2004 with M.P. 133/2004

Shri Vijay Prakash Mishra,
 Son of Shri Sadafal Mishra
 Principal Kendriya Vidyalaya,
 RRL, Jorhat
 Assam.

14. O.A. 281/2004 with M.P. 115/2004.

Shri Vijayakumar M. Karkal
 Principal, Kendriya Bidyalaya,
 Lokra
 District – Sonitpur, Assam.

15. O.A. 282/2004 with M.P. 132/2004.

Sri A. Jyothy Kumar
 Son of Sri A.A. Nayar
 Principal, Kendriya Vidyalaya,
 Tenga Valley,
 West Kameng, Arunachal Pradesh.

16. O.A. 283/2004 with M.P. 124/2004.

Shri D.C. Chattopadhyay
 Principal, Kendriya Vidyalaya
 Panbari, Dhubri
 Assam.

17. O.A. 284/2004 with M.P. 121/2004

Sri Ranjan Kishore
 Son of Late Siya Saran Verma,
 Principal, Kendriya Vidyalaya,
 Kokrajhar, Assam.

18. O.A. 286/2004 with M.P. 126/2004

Smt. Pathamitra Basu
 Daughter of Late Priyabrata Ghosh
 Principal, Kendriya Vidyalaya,
 NEPA, Barapani, Shillong, Meghalaya.

19. O.A. No. 287/2004 with M.P. 122/2004

Shri Arpal Singh Bhati
 Son of Late Hanwant singh Bhati

Principal, Kendriya Vidyalaya
NERIST, Nirjuli, Arunachal Pradesh.

20. O.A. No. 288/2004 with M.P. 119/2004

Smt. Bandana Mohanty
Daughter of Sri Hare Krishna Mohanty
Principal, Kendriya Vidyalaya
No. 1 Itanagar, Arunachal Pradesh.

21. O.A. No. 289/2004 with M.P. 136/2004

Sri Devendra Kumar Dwivedi
S/O Chandra Bali Dwivedi
Principal Kendriya Vidyalaya
Duliajan
Dist. - Dibrugarh (Assam), 786602.

22. O.A. 290/2004 with M.P. 159/2004.

Mr. V. Sivaji
S/o - Venkatraman
Principal Kendriya Vidyalaya
Karimganj, Assam.

23. O.A. 291/2004

NM Varadharajulu
Son of N. Munuswamy Naidu
Principal, Kendriya Vidyalaya
Air Force Station chabua,
District - Dibrugarh, Assam.

24. O.A. 292/2004 with M.P. 137/2004.

Sri Bhat Keshav Narasinha
S/O Narasinha Bhat
Principal Kendriya Vidyalaya
Namrup.

25. O.A. 293/2004 with M.P. 163/2004.

Sri Gobind Prasad Saini
S/o C.L. Saini
Principal, Kendriya Vidyalaya,
ONGC Nazira.

26. O.A. 294/2004 with M.P. 160/2004

Sri Sri Sojan P John
S/o P.V. Johan
Principal, Kendriya Vidyalaya,
Hijuguri Colony Tinsukia.

27. O.A. 295/2004 with M.P. 138/2004.

Sri P.C. Ratha,
Son of Mr. Rama Chandra Ratha
Principal Kendriya Vidyalaya
Kunjaban, Agartala.

28. O.A. 296/2004 with M.P. 161/2004

Sri K. Lakhmipathi
Son of Mr. E. Kothandapani
Principal, Kendriya Vidyalaya,
K.V. Project Sewak, C/o 99 APO.

29. O.A. 297/2004 with M.P. 164/2004

Sri Md. Shabidur Rahman
S/o Sh. Abdul Rashid
Principal, Kendriya Vidyalaya
ONGC, Sibsagar.

30. O.A. 298/2004.

Sri B.K. Pradhan
S/O Mr. G.M. Pradhan
Principal Kendriya Vidyalaya
Kailashahar, North Tripura.

31. O.A. 299/2004 with M.P. 157/2004

Sri E. Ananthan
S/o – Ellappa Naidu
Principal, Kendriya Vidyalaya,
Tarapur, Silchar.

32. O.A. 300/2004 with M.P. 139/2004

Sri S. Sarangi
Son of Sri M.D. Sarangi
Principal Kendriya Vidyalaya
ONGC, Agartala.

33. O.A. 302/2004 with M.P. 158/2004

Sri Radha Gobinda Das
Son of Late Sarat Narayan Das
Principal, Kendriya Vidyalaya
Zakhama, Dist. – Kohima, Nagaland.

34. O.A. 303/2004 with M.P. 162/2004

Sri P.C. Mahapatra
S/o Sri S.B. Mohapatra

9. Principal, Kendriya Vidyalaya
64 Bn. BSF, Jaraitola, Cachar, Assam.

35. O.A 304/2004 with M.P. 140/2004

Sri B. Bvijaya Varma
S/o B. Kannayya Raju
Principal Kendriya Vidyalaya
Tuli.

36. O.A. 305/2004 with M.P. 141/2004

Sri Dayaram Yadav
Son of Lt. R.C. Yadav
Principal, Kendriya Vidyalaya
Kumbhirgram (AFS), Dist. – Cachar, Silchar.

37. O.A. 306/2004 with M.P. 123/2004

Sri R.S. Ramanujam,
Son of Sri Srinivasan R.
Principal, Kendriya Vidyalaya
New Bongaigaon, Assam.

38. O.A. 307/2004 with M.P. 125/2004

Sri K. Sreenivasan,
Son of Kalyanasundaran
Principal, Kendriya Vidyalaya
ARC, Doomdama,
Tinsukia, Assam.

39. O.A. 313/2004 .

Sri Mandem Krishna Mohan
Son of Mr. M. Munaswamy
Principal, Kendriya Vidyalaya,
GC CRPF, Langjing, Imphal, Manipur- 795113 . Applicants

By Advocates S/Sri A.C.Buragohain & N.Borah for Sl.No.1 to 20 and S/Sri A.Dasgupta & K.Bhattacharya for Sl.No.21 to 39.

- Versus -

1. Chairman,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 1.
2. Kendriya Vidyalaya Sangathan
Represented by the Commissioner, KVS
18, Institutional Area,
Shaheed Jeet Singh Marg,



New Delhi-110 016.
Through its Chairman

3. Assistant Commissioner
Kendriya Vidyalaya Sangathan
Guwahati Regional Office,
Maligaon, Guwahati-12. ... Respondents

(By Advocate Sri M.K. Mazumdar, KVS Standing Counsel)

O R D E R (ORAL)
SHRI M.K. GUPTA, MEMBER (J):

Rejoinders have been filed in each case, which are taken on record. With the consent of parties, we have taken up the cases for final hearing at admission stage.

2. Since the question of law involved in these O.As is identical, we propose to dispose of the abovesaid 39 O.As by this common order.

3. The applicants were appointed as Principal in different Kendriya Vidyalayas. One set of the said applicants had been appointed as Principals on regular basis and others had been appointed on deputation/ad hoc basis. Their grievance is common.

4. By ~~virtue~~ of present O.As they seek setting aside of the decision of the Chairman, Kendriya Vidyalaya Sangathan whereby direction had been given to Commissioner, Kendriya Vidyalaya Sangathan, to cancel or terminate their appointment to the post of Principal, KVS and also quashing such decision which culminated in termination order dated 18.11.2004 passed by the Commissioner, KVS.

5. It is an admitted fact that as far as the question of validity of orders passed in individual case vide order dated 18.11.2004 by the Commissioner, KVS is concerned, the same had been the subject matter before the Principal Bench of this Tribunal in O.A. No.281/2004, Mrs. Radha G. Krishan & Ors. Vs. KVS & Ors. decided on 21.12.2004.

6. After considering the rival contentions of the parties as well as noticing catena of judgements by the Hon'ble Supreme Court on various issues including the mandate of the principle of natural justice etc. the aforesaid termination order dated 18.11.2004, which is common to all applicants in present O.As as well as in the O.A before the Principal Bench, was quashed and set aside on the ground that when Rules and Regulations confer particular power on an authority only, the said authority should exercise the same rather than act on the directions of another, may be the superior authority. The Principal Bench noted that Commissioner, KVS in his impugned order had specifically stated that : "the undersigned has been directed by the Chairman, KVS to cancel the Appointment Order.....". Similarly, the Co-ordinate Bench in para 34 of the said judgement observed that:

"Ordinarily when the persons who had been appointed on regular basis as Principals, have a vested right as accrued in normal circumstances and they should have been given a chance to explain and thereafter taking stock of the totality of facts, an order could be passed pertaining to if they could be reverted to the lower post or not."

At the same time the Bench added that their aforesaid expression should be treated as opinion on merits. The Co-ordinate Bench also ruled that: "In all fairness, the applicants



could have been given opportunity to explain in this regard, particularly to those who have been regularly appointed."

7. After noticing various judgements, the Principal Bench also recorded the following conclusion:

"50. These facts which we have analysed, clearly indicate that so far as the post of the Principal is concerned, the appointing authority is the Commissioner of KVS and he is also the disciplinary authority to impose all penalties. So far as the Chairman is concerned, the powers are circumscribed by the Rules that have been framed. It does not give him the power to remove the concerned persons as against the requirement of the rules. It is true that under Rule 25 to which we have referred to above, the Chairman can exercise such powers as may be delegated by the Sangathan or the Board. But our attention has not been drawn to any such delegation of power by the Sangathan or the Board by amending the relevant rules conferring the powers of the appointment and of the disciplinary authority or any such other power which is vested with the Commissioner of KVS.

51. Once it is clear that the order has been passed on the dictate of the Chairman and not by the Commissioner applying his own mind as is clear from the tenor of the order, the orders in both the cases, on this ground, are liable to be quashed."

8. A close perusal of the aforesaid order passed by the Principal Bench would show that certain other observations were also made, which we are not repeating here except to reiterate. We as a Co-ordinate Bench are bound to follow the said precedent as held by the Hon'ble Supreme Court in S.I. Rooplal and Another vs. Lt. Governor through Chief Secretary, Delhi and Others, AIR 2000 SC 594. It is pointed out by learned counsel for the applicants that the Writ Petition (Civil) No.29-32 of 2005 as preferred before the Delhi High Court, wherein the validity of the said order had been



questioned. Vide judgement dated 25.1.2005 the High Court of Delhi maintained the order passed by the Principal Bench in so far as the termination of the Principals on the dictate of Chairman, KVS. As far as the other question relating to declaration that the petitioners were direct recruits on the post of Principal in KV and were entitled to be absorbed against their vacancies, it was not decided and the issue was remanded to the Tribunal for adjudication.

9. We may note that in all the O.As the order dated 18.11.2004 was filed subsequently byway of various Misc. Petitions filed which have also been taken up along with the O.As

10. Following the ratio and the dicta laid down in the aforementioned judgement we allow the present O.As and quash order dated 18.11.2004 passed by the Commissioner, KVS terminating the services of the applicants on the dictate of Chairman, KVS, with liberty to the respondents to take action in accordance with rules and law as held in para 52 of the aforesaid order passed by the Principal Bench.

11. Accordingly O.As and Misc. petitions are disposed of. No costs.

Sd/ MEMBER (J)

Sd/ MEMBER (A)

REPORT THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati Bench, Guwahati

Original Application - 104
N. N. VARADHARAJULU
Union of ^{vs} Indian
SYNOPSIS

The applicants submit that the recruitment rules provide for method of recruitment to the post of Principal by direct recruitment or by promotion or by deputation / transfer and 66.2/3% is by direct recruitment on the basis of all India advertisement and 33.1/3% by promotion. On such recruitment the period of probation is for two years and the academic qualifications required for the post of Principal is Masters Degree from recognized university with at least 50% marks in aggregate and ^{B.} ~~D~~.Ed or equivalent teaching degree. The working experience required is the person holding analogous post or posts of Principals in the grade of Rs. 10000-15200 or Vice Principals / Asst. Education Officers in pay scale of Rs. 7500-12000 with six years service in the aforesaid grade or persons holding Group 'B' posts or the posts of PGTs or Lecturer in the pay scale of Rs. 6500-10500 or equivalent with atleast 10 years regular service in the aforesaid grade. The age limit for direct recruits is 35 – 50 years relaxable upto 5 years in the case of employees of Kendriya Vidyalaya Sangathan and age relaxation for SC / ST and other categories as applicable under the Government of India Rules.

The applicants submit that as per the existing recruitment rules, the applicants are entitled for holding the post of Principals since they are the persons holding Group 'B' posts or posts of PGTs or Lecturer in pay scale of Rs. 6500-10500 or equivalent with atleast 10 years regular service in the aforesaid grade. As per the amended rules since in the year 2000 recruitments were conducted every year Similar is the case of the other applicants, who were recruited pursuant to the notifications issued from time

to time during the period 2000 – 2004. All the applicants have cleared the screening test conducted successfully with merit and pursuant to the passing of the screening test, the applicants were called for the interviews and only thereafter qualifying in the interviews, they were offered the post of Principal.

Dibrugarh
District: - Silchar

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH, GUWAHATI**

(An application under section 19 of the Administrative Tribunal Act, 1985)

Original Application No..... of 2004 291

N.M VARADHARAJULU

....Applicant

-VS-

The Union of India and Ors.

....Respondents

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Filed by

Subrat Bhuyan

N.M. V.

Dibrugarh
District: - Silchar

17
 Filed by
 S. S. Sarker
 Advocate

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GAUHATI BENCH, GUWAHATI**

(An application under section 19 of the Administrative Tribunal Act, 1985)

Original Application No. 291 of 2004

I. PARTICULARS OF THE APPLICANT

N.M VARADHARAJUL
 S/O N. MUNUSWAMY NAIDU
 Principal Kendreaya Vidalaya,
 Air Force Station Chabua,
 District: - Dibrugarh, Assam.

II. PARTICULARS OF THE RESPONDENTS

1. Union of India,
 Through the Secretary to the Govt. of India, Ministry of Human Resource Development, Central secretariat, New Delhi.
2. Kendriya Vidyalay Sangathan,
 18, Institutional Area,
 Shaheed Jeet Singh Marg,
 New Delhi, Through its Commissioner.
3. Assistant Commissioner,
 Kendriya Vidyalay Sangathan,
 Regional Office, Silchar.

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

N.M. Ch.

The application is presented against the impugned order No. F7-7/2002/KVS(ESTT-1) dated 18.11.2004 issued by the respondent No. 2 declaring the appointment of the applicant is illegal and void.

IV. JURISDICTION OF THE TRIBUNAL

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

V. LIMITATION.

The applicant declares that the present application is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

VI. FACTS OF THE CASE.

- A. The applicant is a citizen of India and as such entitled to all the rights and privileges guaranteed to the citizen of India by the Constitution of India and the laws framed thereunder.
- B. The applicant was working at Kendriya Vidalya (in short KVS) D.F ITARSI (MP) as a post graduate teacher (PGT), History in the pay scale of Rs. 6,500/- -200 – 10, 500/-.
- C. That the applicant state that after his joining as PGT, he had passed the Departmental Examination in the year 1997 for the selection of the principal KVS and as such the applicant became eligible for the post of principal in the KVS.
- D. That in the year Nov. 2000, a notification was issued in the employment news calling applications for preparing the penal for fill-up the post of principal in KVS, the pay scale is Rs. 10,000/- – 325 – 15, 200/-, in the said notice essential qualification was shown as atleast 2nd class in Master Degree (45% marks and

N.M. Ch.

above) considered as equivalent and other conditions were laid down.

A copy of the notification dated 24.11.2000 is annexed hereto and marked as Annexure:

- 1.

E. That in reference to the said advertisement dated 18.11.2000- 24.11.2000 the applicant applied for the post of principal, cleared screening test. He attended the interview on 09.05.2001 and was selected. On the basis of the recommendation of the selection committee, the competent authority approved the appointment of the applicant as principal at KVS, Chabua on deputation basis.

A copy of the appointment letter dated 12.06.2001 is annexed hereto and marked as

Annexure: - 2.

F. That the applicant states that thereafter the applicant joined as a principal at KVS, Chabua on 30.06.2001 as per the appointment letter in pay scale of Rs. 10,000/- - 325 – 15,200/-. Thereafter from time to time his deputation period was extended office order dated 24.06.2002 and 07.07.2003.

Copies of the order dated 24.06.2002 and 07.07.2003 is annexed hereto and marked as Annexure: - 3 & 4 respectively.

G. That the applicant state that the respondent vide his office order dated 28.06.2004, appointed the applicant as principal of the said KVS on regular basis and thereby the period of deputation was ended and it is also stated that interse seniority will be determine under the rules according the their rank in the select panel.

A copy of the order dated 28.06.2004 is annexed hereto and marked as Annexure: -

5.

H. That the applicant state that after ^{being} regularized as the principal he is still working as Principal of KVS, Chubua. That on 23.11.2004 he received an impugned order dated 18.11.2004 whereby his

N.M. Ch.

appointment as principal on regular basis has been cancelled, it is alleged that since his appointment on regular basis is void ab initio, the cancellation of the same without issuing show cause notice is justified and it is also directed to handover the charge of the principal to the vice principal / Sr. most PGT immediately and report to the principle incharge in the same KVS.

A copy of the impugned order dated 18.11.2004 is annexed hereto and marked as
Annexure: - 6.

VII. GROUNDs.

- a) For that the impugned order dated 18.11.2004 is bad in law as well as on fact and the same are as such liable to be set aside and quashed.
- b) For that the requirement to the post of ^{Principal} principle has been done in conformity with Appointment, Promotion, Seniority, Rules 1971. The amendments rules came into force on 2002 onwards and as such the amendments rules 2002 cannot be given a retrospective effect to deprive the applicant who was appointed prior to amendments rules 2002 and as such impugned order is liable to be set aside and quashed.
- c) For that the applicant was appointed on a regular basis against the vacancy in general and OBC category by the KVS after going to the ^{Quota} quota system. The respondent has regularized the service of the applicant and thereafter issuing order of cancellation is not only bad in law but also illegal and as such impugned order is liable to be set aside and quashed.
- d) For that the appointment of the applicant as ^{at} principle on regular basis was made in accordance with the relevant provisions of the KVS rules or any constitution provisions.
- e) For that no notice was issued to the applicant or any opportunity of hearing was granted to him before passing the

N.M. U.

impugned order. The impugned order is a gross violation of principle natural justice and the same is as such liable to be set aside and quashed.

- f) For that the clarification given that since the appointment order for the post of principle^{al} on regular basis is void ab initio cancellation of the same without issuing show cause notice is justified in law, is holly untenable. For being void ab initio, the appointment order of the applicant for the post of principle^{al} on regular basis is legally valid and does not suffered from any infirmity, the impugned cancellation is most unjustified illegal and arbitrary.
- g) For that the impugned order dated 18.11.2004 would go to show that the chairman of KVS who is also the Minister for HRD under whom the KVS is an agency, has acted ~~alone~~^{alone} while examining all the materials without having the board of governors, therefore finding of the chairman about the illegality is itself bad in law as its reflect arbitrary action with a malafide intention with the change of the government and as such the impugned order cannot be given effect to as it would cause prejudices to the applicant.
- h) For that it is a settled law that a right which has been given once to a person or persons and if same is to be withdrawn or taken away by the authority concerned under certain reasons and circumstances no doubt it can be withdrawn after affording reasonable opportunity of being heard or to say to a person or persons by assigning reason concerned i.e. principle of natural justice. In the instant case it is not done so by the appropriate authority before passing impugned order which is amount to reduction in rank and pay and as such the impugned order is not tenable in the eye of law and is to be quashed.
- i) For that the impugned cancellation would cause serious prejudices to the applicant. it would entail adverse civil consequence upon the applicant which will have a demoralizing

N.M. Ch^h

effect not only on the applicant but on the whole school. Therefore its become all more necessary to at least issue a show cause notice to the applicant which is a minimum requirement.

- j) For that the impugned decision is vitiated by arbitrariness and unreasonableness. There is arbitrary exercise of power by the authority in present case. The respondents have acted illegally by issuing the impugned order in violation of Article 14, 16 and 21 of the Constitution of India. There has been total non-application of mind by the respondents to the relevant factors while issuing the impugned order. There is a malice in law as well as on fact and the same has vitiated the impugned order. The applicant has been subjected to an unfair treatment and the same has prejudicially affected him.
- k) For that in any view of the matter the impugned order is wholly untenable and the applicant is entitled to the reliefs as prayed for in the application.

VIII. DETAILS OF THE REMEDIES EXHAUSTED

As the applicant has challenged the legality and correctness of the impugned order and has prayed for setting aside / quashing of the same, he has not submitted representation before the authority as the same would not only be futile exercise but also render his challenge redundant.

IX. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicant has not filed any other case / application in any other Court / Tribunal regarding the present matter.

X. RELIEF SOUGHT

N.M. Ch.

Under the facts and circumstances, the applicant prays for following reliefs: -

- a) To set aside and quashed the impugned order No. F7 - 7 /2002/KVS (estt) dated 18.11.2004 issued by Respondent No. 2. (Annexure: -)
- b) For declaration that the applicant's appointment as principle on regular basis vide order dated 28.06.2004 as legal and valid.
- c) To pass such further order or orders as this Hon'ble Tribunal may deem fit and proper.
- d) Cost of the proceedings.

XI. INTERIM ORDER PRAYED FOR

Pending disposal of the present application, the applicant prays for an interim direction to the respondents not to give effect to the impugned order dated 18.11.2004 and or pass such interim order / orders as may deem fit and proper.

XII. PARTICULARS OF THE POSTAL ORDER

Postal Order No. : - 20GT35496

Dated : - 23.11.2004

Issuing & Payable Office : - Guwahati GPO.

XIII. LIST OF ENCLOSERS

1. Notice dated - 24.11.2000
2. Appointment letter
3. Order dated 24.06.2002
4. Order dated 07.07.2003
5. Order dated 28.06.2004
6. Impugned order dated 18.11.2004.

N.M: Ch.

VERIFICATION

I, Shri N.M Varadharajulu s/o Munuswamy Naidu, aged about ⁴⁷ ~~28~~ yrs, by profession service, resident of Chadua, do hereby verify that I am the applicant in the accompanying application. I am acquainted with the facts and circumstances of the case. I hereby verify that the statements made in paragraphs 1 to XIII are true to my knowledge and that I have not suppressed any material facts.

And I set my hand in this verification today ^{24th} November 2004, at Guwahati.

N.M. Ch
24/11/04.

Signature

[N.M. VARADHARAJULU]

Estt.5142/2000

Government of India, Ministry of Home Affairs

Office of the Director of Census Operations, Kerala

C.G.O Complex, Poonkulum, Vellayani (P.O) Trivandrum- 695522
 It is proposed to fill 3 vacant posts of Peon in the scale of pay of Rs. 2550-55-2660-60-3200 for Regional Offices to be set up in state in connection with 2001 Census for a period of one year initially, but likely to be continued thereafter until further orders by transfer on deputation basis under the Directorate of Census Operations, Kerala, Thiruvananthapuram -22 from amongst suitable officials of Central/State/UT Govt. departments according to their eligibility conditions as mentioned below.

Name of the Post	Scale of Pay	No. of Posts proposed to be filled	Eligibility conditions
Group 'D' Peon	Rs. 2550-55- 2660-60-3200	3	(a) Officials of Central/State Governments holding analogous posts (b) Middle School standard passed recognisord school.

The pay of selected officials will be regulated with the instructions contained in the Deptt. of Personnel and Training OM No.2/12/57 -Estt.(Part II) dated 29.04.1998 as amended from time to time.

Applications of officials who are eligible and willing to be considered for appointment by transfer on deputation basis and relieved immediately after selection may be forwarded in prescribed proforma as per Annexure-I along with their Vigilance Clearance Certificate so as to reach this Directorate within 6 weeks from the date of publication of this advertisement in Employment News. The officials who volunteer for the above post will not be permitted to withdraw their name later.

1. Name : ANNEXURE-I

2. Date of Birth :

3. Educational and other Qualification :

4. Date of Entry into Government Service :

5. Designation of the post held at present :

6. Date from which the present post is held on regular basis :

7. Whether Permanent/Quasi permanent/Temporary

8. Whether SC/ST :

9. Scale of pay in the present post :

10. Present pay :

11. Details of Experience :

Post held	Period From to	Scale of pay	Nature of work done in details

Date: Signature of Applicant
 Certificate to be given by the Head of Office of the Applicant

1. It is certified that the particulars furnished by the officials are correct.
 2. It is certified that no disciplinary case is pending or contemplated against the applicant and he/she is clear from vigilance angle.

HEAD OF OFFICE

davp 3104(461)2000

EN34/11



Railway Recruitment Board

South Lalguda, Secunderabad

No. RNB/SC/C/659/06/0499

Declaring the written examination result of App. Junior Engineer (P.Way) Gr.II Cat. No. 05 of E.M. No. 04/99 conducted by Railway Recruitment Board, Secunderabad on 22.10.2000.

Roll Numbers of candidates who have provisionally qualified in the written examination conducted by the Railway Recruitment Board, Secunderabad on 22.10.2000, for the post of App. Junior Engineer (P.Way) Gr.II - Cat. No. 06 of Employment Notice No. 04/99 are listed below.

Roll Numbers - 29

11140249	11341546	11510449	11541486
11240073	11341994	11520295	11810082
11312403	11342005	11520576	11820038
11340078	11342100	11540043	11820043
11340205	11342191	11540873	11820048
11340254	11342327	11541189	
11340831	11342732	11541396	
11340962	11342785	11541429	

Total : Twenty Nine candidates

All the candidates bearing the above roll numbers are required to attend the office of the Railway Recruitment Board, Secunderabad on 08.12.2000 for verification of their original certificates in support of their qualification, date of birth, caste, and all other relevant records mentioned in the individual intimation letters which are being sent separately. The candidates belongs to Ex-Servicemen category are required to produce their service discharge certificates and other relevant documents at the time of verification of certificates. While every care has been taken in preparing the above result, the Railway Recruitment Board, Secunderabad reserves the right to rectify the errors and omissions if any.

Chairman
Railway Recruitment Board
Secunderabad

EN 34/6

GOVT. RECOGNISED CERTIFICATE

CNC TURNING, MILLING, WIRE - CUT EDM & CAM covered in single course with emphasis on machine concept, programming & practicals on Travel & Industrial production CNC Machines.

Eligibility: Xth/10+2 above, including Mechanical B.E./D.M.E./I.T.I. & Students studying these courses. For Xth/10+2 candidates additional Mechanical coverage is given in CNC course.

ENROLMENT START on 13th Dec 2000 & 10th Jan, 2001 FOR 10 MONTHS

COMPUTER AIDED DESIGN AUTOCAD

Information brochure & application form can be collected personally free of cost or by sending a self addressed & R.S. stamped envelope. Hostel Available.

CAD - CAM TECHNIQUES (CHC - CAD Training Centre) T : 4361107 / 4353006
 16, RAMAIAH STREET, (Near Mani Bhawan Railway Station), ENAGAR, CHENNAI-17
 E-mail: cadcam@chcnet.in

EN 34/74

KENDRIYA VIDYALAYA SANGATHAN

NOTICE

Applications are invited for preparing the panels to fill up the posts of Principals in Kendriya Vidyalayas in the pay scale of Rs. 10000-325-15200/- by transfer or deputation basis from amongst those serving the Central/State/Semi Govt./ Autonomous Organizations and C.B.S.E. affiliated 2 Schools and also for direct recruitment to fill up the backlog vacancies of Principals for SC/ST fulfilling the following conditions.

Age : Should not exceed 50 years on the last date of receipt of the application. (Relaxable for SC/ST/OBC/Discharged Defence Personnel/Govt. servants and employees of K.V.S.) as per rules.

Essential Qualifications :

(I) Allenst 2nd Class Master's Degree (45% marks and above considered as equivalent) in Mathematics, Physics, Chemistry, Zoology, Botany, English, Hindi, Sanskrit, History, Geography, Commerce/Economics/Political Science/ Computer Science/Physical Education/Music/Fine Arts.

(II) A Degree or Post Graduate Degree/Diploma in Teaching/Education.

(III) Atleast 10 years' experience in Educational Institutions including atleast 07 years teaching experience at Senior Secondary or Higher levels in recognised institutions and minimum of 03 years experience in educational administration.

Experience in Educational administration is defined as under :

(a) As Principal/Headmaster of a High School/Higher Secondary School/Inter College/Degree College; OR

(b) As Vice Principal of a Higher Secondary School/Inter College/Degree College/Head of Deptt. In a Degree-College/ University Teachers Training College; OR

(c) As House Master in Public/Sainik School or as Officer in Army Education Corps; OR

(d) As a Vice-Principal and/or PGT in Kendriya Vidyalayas for atleast 15 years; OR

(e) As Vice-Principal and/or PGT in Kendriya Vidyalayas for atleast 10 years in case of those who have passed the Departmental Examination; OR

(g) As Warden of Hostel in a Kendriya Vidyalaya.

Desirable :

(i) Working knowledge of Hindi and English.

(ii) Experience in organizing Games and Sports and Co-curricular activities.

Note : In case sufficient number of SC/ST candidates are not forthcoming for filling backlog vacancies, the competent authority can consider relaxing administrative experience to the following extent :

5 years educational experience including 03 years teaching experience at Senior Secondary or Higher level in recognized, Institution and 02 years experience in educational administration. In case of existing Post Graduate Teachers and Vice-Principals in Kendriya Vidyalayas belonging to SC/ST community who have rendered 10 years of service as PGT and/or Vice-Principal required administrative experience will be relaxed altogether.

How to apply

Applications complete in all respect as per proforma given in the Annexure along with attested copies of certificates, marksheets mentioned therein, one self addressed post card and Demand Draft of Rs. 200/- (Rupees two hundred only) drawn in favour of Kendriya Vidyalaya Sangathan, New Delhi should be submitted, in duplicate, to the Assistant Commissioner (Admn.), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shrikrishna Jot Singh Marg, New Delhi-110016. Applications neatly typed/written, in the prescribed proforma, on white paper only, on one side of the paper in double space (the size of paper should be that of footscip' size (21 x 30 cms) are acceptable. Candidates serving in any recognised institution/organization/autonomous body or Central/State Govt. and CBSE affiliated 2 Schools must apply through Proper Channel. Applications through proper channel will be entertained only if they are received within two weeks after the last date. However, candidates should send an advance copy (along with the Demand Draft of Rs. 200/-) so as to reach Assistant Commissioner (Admn.) at the above mentioned address, before the last date. These advance applications will be considered provisionally subject to the condition that the applications through proper channel are received within two weeks after the last date. SC/ST/Ex-servicemen/Physically Handicapped are exempted from payment of Fee. The Ex-servicemen candidates who have already joined the Govt. job are not entitled for fee concession. Fee paid by Cash, Crores Cheques, Money Orders will not be accepted under any circumstances.

LAST DATE FOR RECEIPT OF APPLICATIONS IS 15TH DECEMBER, 2000.

Instructions to the candidates :

(a) The prescribed essential qualifications are the minimum and mere possession of the same does not entitle a candidate to be called for written test/interview. The K.V.S. may at its discretion to hold a written test, and call the candidates for interview on the basis of merit position in the examination. The decision of the K.V.S. in this regard shall be final and binding. No correspondence will be entertained in this regard.

(b) Departmental candidates belonging to the Kendriya Vidyalayas holding the prescribed qualifications etc. laid down for the post may apply through Proper Channel.

Terms and Conditions :

(i) The employees of Central/State Semi Govt. Autonomous Organizations and C.B.S.E. affiliated +2 Schools recognised by the Government which have facilities to release its employees on deputation basis on retaining them are eligible to apply.

(ii) The term of deputation shall be five years and will be governed by the existing instructions of the Government of India relating to deputation. The K.V.S. reserves the right to re-allocate the service of a deputationalist at any time even before the completion or approved deputation period, depending upon their performance, without assigning any reasons. Further, the appointment on deputation basis will not confer any right, on the candidate, for permanent absorption in the K.V.S. at any time.

Note : (i) Applications if not received in duplicate shall be rejected.

(ii) Incomplete applications shall be rejected.

(iii) The date of eligibility in all respects shall be the last date for submission of the application.

(iv) No correspondence in this regard shall be entertained.

KENDRIYA VIDYALAYA SANGATHAN

APPLICATION FOR THE POST OF PRINCIPAL

(TO BE FILLED IN BY THE CANDIDATE IN HIS/HER OWN HANDWRITING)

DEMAND DRAFT NUMBER _____ DATED _____ FOR RS. _____

WETHER BELONGS TO SCHEDULED CASTE/
SCHEDULED TRIBE/OTHER BACKWARD CLASS/
PHYSICALLY HANDICAPPED/EX SERVICEMEN

(Nature of the Caste/tribe to which belongs Attested copy of the certificate from the Competent Authority should be enclosed)

1. NAME _____

(IN CAPITAL LETTERS)

2. SEX _____

(WRITE 'M' IF MALE AND 'F' IF FEMALE)

3. FATHER'S/HUSBAND'S NAME _____

(IN CAPITAL LETTERS)

4. DATE OF BIRTH _____ (IN CHRISTIAN ERA)

(BOTH IN FIGURES AND IN WORDS)

Spec for
Passport size
Photograph
Form is liable to
be rejected
without photo

AGE AS ON _____ YEARS _____ MONTHS _____ DAYS _____

5. POSTAL ADDRESS (IN CAPITAL LETTERS)

(a) Permanent _____ PIN CODE _____

(b) Present Address _____ PIN CODE _____

Continued on page 27

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RECEIVED ON 22.06.2001 FROM DEPUTY
COMMISSIONER OF KVS (ESTT. II SECTION)

RECEIVED ON 22.06.2001 FROM DEPUTY COMMISSIONER OF KVS (ESTT. II SECTION) BY AIR MAIL
SPEED POST

RECEIVED ON 22.06.2001 FROM DEPUTY COMMISSIONER OF KVS (ESTT. II SECTION) BY AIR MAIL
SPEED POST

18 - INSTITUTIONAL AREA
SHAHEED JEET SINGH MARG
NEW DELHI - 110016

RECEIVED ON 22.06.2001 FROM DEPUTY COMMISSIONER OF KVS (ESTT. II SECTION) BY AIR MAIL
SPEED POST

DATE: 12 JUN 2001

RECEIVED ON 22.06.2001 FROM DEPUTY COMMISSIONER OF KVS (ESTT. II SECTION) BY AIR MAIL
SPEED POST

THE ASSISTANT COMMISSIONER

RECEIVED ON 22.06.2001 FROM DEPUTY COMMISSIONER OF KVS (ESTT. II SECTION) BY AIR MAIL
SPEED POST

KENDRIYA VIDYALAYA SANGATHAN

RECEIVED ON 22.06.2001 FROM DEPUTY COMMISSIONER OF KVS (ESTT. II SECTION) BY AIR MAIL
SPEED POST

REGIONAL OFFICE Bhopal

Subject: Appointment of Sh. N. M. Varadharajulu, PGT (Hist),
K.V. No. 1 OF Itarsi

to the post of PRINCIPAL in Kendriya
Vidyalaya Sangathan by transfer on DEPUTATION
BASIS in Pay Scale of Rs.10000-325-15200/-.

Sir/Madam,

On the basis of the recommendations of the Selection Committee, the competent authority has approved the appointment of Shri N. M. Varadharajulu as Principal in KVS on deputation basis in pay scale of Rs.10000 - 325 15200/- with effect from the date he/she assumes the charge of the post. His/Her deputation in KVS will be initially for a period of ONE YEAR or till further orders whichever is earlier. The period of deputation can be extended on year to year basis for a maximum period of 5 years depending upon his/her conduct and performance and administrative exigencies. The appointment will be governed by usual deputation terms.

He/She is posted as Principal at Kendriya Vidyalaya, AFS Chabua

He/She will have an option to draw pay in the scale of the post or draw deputation allowance as per Govt. of India orders/ instructions on this subject.

Attested
Sehgal

Shri N. M. Varadharajulu may be informed that this appointment on deputation will not confer on him/her any claim for permanent absorption/regular appointment as Principal in Kendriya Vidyalaya Sangathan. Moreover, he/she cannot claim for extension of deputation period as a matter of right. It should be clearly understood that the aforesaid period of deputation can be curtailed at the sole discretion of the Commissioner, KVS. On completion/termination of deputation period, he/she will be reverted back to his/her Parent Office/feeder post.

4. It is, therefore, requested that Sh.N.M.Varadharajulu may please be relieved the instruction to join at K.V. AFS Chabua as Principal latest by 30.6.2001, failing which it will be presumed that he/she is not interested in this offer and this offer will be treated as WITHDRAWN without any further notice. Before relieving, it may be ensured that no disciplinary case is pending or contemplated.

In case it is found at any stage that the candidate does not satisfy/fulfil the eligibility condition as prescribed in Recruitment Rules for the post of Principal OR is not clear from Vigilance angle or has furnished incorrect particulars or suppressed any material/information in the application for the post of Principal, his/her deputation shall stand terminated.

Yours faithfully,

(V.K.Gupta)

Assistant Commissioner(Admn)
For Commissioner

Copy to:-

1. Shri N.M.Varadharajulu, PGT(Hist), KV No.1, O.F.
Itarsi - 461122

He may communicate his/her acceptance immediately to this office within 7 days from the date of issue of offer and also report to posting place as stated above, by the stipulated period.

2. The Chairman VMC, K.V. AFS Chabua with the request to intimate the date of joining of individual concerned to this office as well as Assistant Commissioner, KVS, RO, concerned immediately by Speed Post/ Fax.

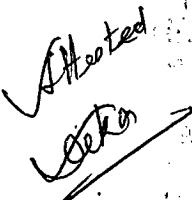
3. The Principal, K.V. No.1 O.F. Itarsi

4. The Asst. Commissioner, KVS, RO, Guwahati

He/She is requested to intimate the date of joining of the incumbent to this office immediately by Speed Post/Fax.

5. Personal file. 06. Guard file.


Assistant Commissioner(Admn)


Commissioner

ANNEXURE 3
KENDRIYA VIDYALAYA SANGATHAN
(Estt.II Section)

Wb -13- Speed 160
18, Institutional Area,
Shahid Jeet Singh Marg,
New Delhi -110016

No. F.7-07/2002.KVS(Estt.II) Dated:- 26.06.2002

OFFICE ORDER

Approval of the competent authority is hereby conveyed for extension of deputation periods in respect of the following Principals of Kendriya Vidyalayas, who have been working on deputation basis for a period of one more year or till further orders whichever is earlier as indicated against each:-

SNo.	Name of Principal and KV where working	Date of extension deputation period
------	----------------------------------------	-------------------------------------

GUWAHATI REGION

01.	SHRI DC CHATOPADHYA PANBARI	22.6.2002
02.	SHRI SK BEHURA NAGAON	25.6.2002
03.	SHRI VIJAY KR. KARKAL LOKRA	27.6.2002
04.	SHRI OM BIR SINGH MOHANBARI	29.6.2002
05.	SMT B. MISHRA UMROI CANTT	30.6.2002
06.	SHRI AK MISHRA NEPA BARAPANI	30.6.2002
07.	SHRI AS. BHATI NERIEST	30.6.2002
08.	SHRI G RAMA RAO MISSAMARI	30.6.2002
09.	SHRI NM VARADHARAJULU AFS CHABUA	30.6.2002
10.	SHRI RANJAN KISHORE KORRAJHAR	7.7.2002
11.	SHRI AMIT TRIPATI TURA	25.6.2002

It is clarified here that ;-

i) the period of deputation can be extended on year to year basis for a maximum period of five years after recknoing the initial date of joining on deputation depending upon the individual concerned Principal conduct and performance and administrative exigencies of the organisation. Moreoever, this appointment on

Attested
Sarkar

deputation will not confer on him/her any claim for permanent absorption/regular appointment as Principal in Kendriya Vidyalaya Sangathan as well as he/she should not claim for extension of deputation period as a matter of right.

iii) The deputation period can be curtailed at the sole discretion of the Commissioner. On completion/termination of deputation period, he/she will be reverted back to his/her Parent office/feeder post.

02. Other terms and conditions of the offer of appointment of 'deputation' to the post of 'Principal' of the individual concerned remain unaltered.

29/6
(V.K.Gupta)
Deputy Commissioner(Admn & Fin)
for Commissioner.

Copy to:-

01. Individual concerned Principal of KV
02. Asstt Commissioner, KVS, Regional office with the request to make the proper entry in the service book of the individual concerned with proper attestation immediately and also regulate his increment which is due for this year under the provisions of rules as extended from time to time
03. Chairman, VMC of Kendriya Vidyalaya concerned.
04. Education Officer(Vig)
05. Office order file.

1996-06-29

Attested
Sachin

KVS. N. 31

Kendriya Vidyalaya Sangathan
(Estd. I Section)18, Institutional Area,
Shahid Jeet Singh Marg,
New Delhi - 110016

No. F. 7-07/2002.KVS(Estd. I).

Dated:- 7/7/2003

30

OFFICE ORDER

In terms of the offer of appointment to the post of Principal on deputation basis, approval of the competent authority is hereby conveyed for extension of deputation period in respect of the following Principals of Kendriya Vidyalayas, who have been working on deputation basis, for a period of one more year or till further orders whichever is earlier as indicated against each;

SNo. Name of Principal Date upto which period and KV where working of deputation extended

Guwahati Region

01.	Sh. D.C. Chattapadhyay Panbari	21.6.2004.
02.	Shri S.K. Behura Nagaon	24.6.2004.
03.	Sh. Vijay Kr. Karkal Lokra	26.6.2004.
04.	Sh. Om Bir Singh Mohanbari (under order of transfer to CRPF, Guwahati)	28.6.2004.
05.	Smt. B. Mishra Umroi Cantt. (under order of transfer to Happy Valley, Shillong)	29.6.2004.
06.	Shri A.K. Mishra Nepa Barapani (under order of transfer to EAC Upper Shillong)	29.6.2004.
07.	Shri A.S. Bhati NERIESIT	29.6.2004.
08.	Shri. G. Rama Rao Missamari	29.6.2004.
09.	Sh. N.M. Varadharajulu AFS Chabua	29.6.2004.
10.	Sh. Ranjan Kishore Kokrajhar	06.7.2004.
11.	Sh. Amit Tripathi Tura	24.6.2004.

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12.	Sh.A.M. Khan BRPL Bongaigaon	18.7.2004.
13.	Shri J.R.Das Digaru	03.7.2004.
14.	Shri N.Pani Happay Valley (Under order of transfer to Umroi Cantt)	02.7.2004.
15.	Sh.C.K. Ojha Jasgiroad	04.7.2004.
16.	Sh. K.P. Rao AFS Jorhat (under order of transfer to Sambra)	04.7.2004.
17.	Sh.R.C. Aggarwal ONGC Jorhat	14.7.2004.
18.	Sh.R.S. Ramanujam New Bongaigaon	12.7.2004.
19.	Sh.K.S.M. Krishna No.1 Tezpur	04.7.2004.
20.	Smt. P.Basu Upper Shillong (Under order of transfer to NEPA Barapani)	18.7.2004.

02. The terms and conditions of the offer of appointment of deputation to the post of Principal remain unaltered.

Rajvir Singh
(Rajvir Singh)
Deputy Commissioner(Pers)
for Commissioner.

Copy to:-

01. Individual concerned.

02. Asstt Commissioner, KVS, Regional office, Guwahati with the request to make proper entry in the service book of the individual concerned with proper attestation immediately and also regulate his increment as per rules.

02. Chairman, VMC of Kendriya Vidyalaya concerned.

03. Education Officer(Vig).

04. Office-order file



-17-

18-INSTITUTIONAL AREA.
SHAHEED JEET SINGH MARG.
NEW DELHI-110 016.

F.7-7/2002-KVS(Essit.1)

Dated: 28/6/2002

(4)
32OFFICE - ORDER

In view of emergence of 36 vacancies in the general & OBC category, the Commissioner, KVS hereby appoints the following Principals of Kendriya Vidyalayas on regular basis, who have been working on deputation basis against the temporary posts of Principal in Kendriya Vidyalayas on an initial pay of Rs.10000/- in the pay scale of Rs.10000-325-15200/- or as admissible under the rules with immediate effect. Their inter-se seniority will be determined under the rules according to their rank in the select panel, which is indicated as per serial order of this list.

Sl.No.	Name of Principal	KV where working
1	Sh.B.Vaithilingam	AFS Nala
2	Smt.L.Ramchandran	TNS Mandovi
3	Sh.R.KLal	No.2 Sagar
4	Sh.C.Karunakaran	Khurdaroad
5	Smt.Vijay Lakshmi Das	Sunabeda
6	Sh.S.K.Upadhyay	Old DMS Dhanbad
7	Sh.DV.Rarnakrishnan	Maithandam
8	Dr.S.P.Thakur	Meghahatuburu
9	Dr.P.Bhatnagar	CTPS, Chandrapur
10	Sh.P.Saktivel	Salua
11	Sh.D.P.Mahapatra	No.2 Binaguri
12	Sh.Anil Kumar	Matda
13	Smt.Poonam Malik	No.4 Jalandhar
14	Smt.M.K.Kulshreshtha	Suranussi
15	Smt.Ranjana K.Bassi	Mandi
16	Smt.Rajni Uppal	Raiwala
17	Sh.N.Ajay Babu	Birpur D'Dun
18	Sh.R.K.Chahar	Juslibaur
19	Sh.M.Jha	NHPC Banbasa
20	Sh.S.K.Tyagi	No.1 Faridabad
21	Sh.N.M.Vardarjulu	Chabua
22	Sh.Ranjan Kishore	Kokarjhar
23	Sh.VK.M.Karkal	Lokra
24	Sh.G.Rama Rao	Missamari
25	Sh.Ombir Singh	Amerigong,Guwahati
26	Sh.S.K.Bhurua	Nagaon
27	Sh.A.K.Mishra	Upper Shilong
28	Sh.A.S.Bhati	Nerist

✓
Attested
Sekha

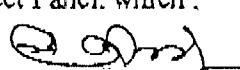
28/6/2002

-18-

29	Sh.D.Chattopadhyaya	Panabari
30	Smt.B.Mishra	Happy Valley
31	Smt.S.K.Murthy	Kumool
32	Smt.Vasantha Krishnan	ONGC Rajamundri
33	Smt.A.R.Lakshmi	SKU, Ananthapur
34	Mohd.Masood Ali	Rewa
35	Sh.V.Thilagarajan	Zawar Mines
36	Sh.Saseendran P.	No.1 AFS Suratgarh

02 The appointment is subject to the following terms & conditions:-

- a) They will be on probation for a period of two years with immediate effect, which may be extended by another two years for the reasons to be recorded in writing. Upon successful completion of probation period, they will be confirmed (in their turn).
- b) During probation and thereafter, until they are confirmed, their services are terminable by one month's notice on either side without any reasons. The appointing authority, however, reserves the right to terminate the services before the expiry of stipulated period of notice by making payment to the appointee of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof. They will draw the allowances and other benefits in addition to pay at Central Govt. rates as admissible to Kendriya Vidyalaya Sangathan Employees. They will be liable to transfer anywhere in India.
- c) Other terms & conditions of service governing the appointment are as laid down in the Education Code for Kendriya Vidyalayas as amended from time to time.
- d) In case of any dispute or claim against the Sangathan, the court at Delhi alone will have jurisdiction to decide any dispute arising out of or in respect of service or any other contract.
- e) For non-KVS employees, they will be considered for absorption in the services of the KVS subject to their willingness and concurrence of their parent department.
- f) Their inter-se-seniority will be according to their rank in the Select Panel, which is indicated as per the serial order of this list.


(RAJVIR SINGH)
Dy. Commissioner (Pers)
For Commissioner

Approved
Copy to

Distribution:-

1. Individual concerned.
2. The Assistant Commissioner, KVS, All Regional Offices with the request to keep a copy of this order in the Personal File of the individual concerned and also make the necessary entries to this effect in the Service Book with proper attestation.
3. Office order file.

SPEED POST

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

No. F.7-7/2002/KVS (Estt.I)

November 18, 2004

OFFICE ORDER

WHEREAS SHRI N.M. VARADHARAJULU presently working as the Principal at Kendriya Vidyalaya, CHABUA was initially appointed as Principal on deputation basis vide letter No. F.7-4/2001-KVS(Estt-II) dated 12.6.2001.

WHEREAS the said SHRI N.M. VARADHARAJULU was appointed as Principal on regular basis while working as Principal on deputation basis by the then Commissioner, KVS, vide Office Order No. F.7-7/2002-KVS(Estt-I) dated 28.6.2004.

WHEREAS the Chairman, KVS after examining all the materials on record and Recruitment Rules of KVS for the post of Principal has found that the then Commissioner had acted beyond the Recruitment Rules and constitutional provisions in appointing the said SHRI N.M. VARADHARAJULU as Principal on regular basis while working as Principal on deputation basis and has observed that his/her appointment on regular basis as Principal is void ab initio and non-est in law and is liable to be cancelled.

WHEREAS the undersigned has been directed by the Chairman, KVS to cancel the Appointment Order issued vide Office Order No.F.7-7/2002-KVS(Estt-I) dated 28.6.2004 to SHRI N.M. VARADHARAJULU appointing him/her as Principal on regular basis.

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:- 2 :-

Pursuant to the above direction, I hereby cancel the appointment order issued vide Office Order No. F.7-7/2002-KVS(Estt-I) dated 28.6.2004 to SHRI N.M. VARADHARAJULU appointing him/her as Principal on regular basis with immediate effect. It is clarified that since the Appointment Order for the post of Principal on regular basis is void ab initio, the cancellation of the same without issuing Show Cause Notice is justified in law. SHRI N.M. VARADHARAJULU is directed to handover the charge of Principal to Vice-Principal/Senior Most PGT immediately and report to Principal Incharge in the same Kendriya Vidyalaya as PGT(History) i.e. the post held by him/her prior to his/her appointment as Principal and discharge his/her duties as may be assigned to him/her.



(RANGLAL JAMUDA)
COMMISSIONER

Copy for information and necessary action to:

1. SHRI N.M. VARADHARAJULU, Principal, KV, Chabua
2. The Principal, Kendriya Vidyalaya, Chabua
3. The Chairman, VMC, Kendriya Vidyalaya, Chabua
4. The Assistant Commissioner, KVS, Regional Office, Silchar - with the direction to ensure compliance of the above order -immediately. The compliance report may be sent by FAX at No.011-26852680.
5. Personal file.



Attested
Beka

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

7 JAN 2005

गुवाहाटी न्यायालय

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH - GUWAHATI

File No. The Respondent
Through Mr. Prinod
S.C. K.V. Sangathan
6-1-05

O.A No. 291/2004

IN THE MATTER OF:

N.M Varadharajulu

Applicant

-V E R S U S-

The Union of India & others

Respondents.

Written Statement filed by the
Respondents No.2 & 3:

I, Sri U.N. Khawarey, the Assistant Com-missioner, Kendriya Vidyalaya Sangathan, Regional Office, Guwahati, on being authorised to file this written statement do hereby solemnly affirm and file the written statement on behalf of Respondents No.2 and 3 as under:-

1). That the respondents have been served with a copy of the Original Application and on being supplied with comments from the Head-quarters this reply has been submitted on behalf of the respondents.

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2). That the deponent states the allegations / averments which are not borne out by records are denied and not admitted. Any averments / allegations which are not specifically admitted hereinafter are deemed to be denied.

3). That the deponent begs to apprise that the grievance of the applicant is that by issuing the order of cancellation of appointment and their repatriation to the substantive post their right have been violated, whereas the applicant has no right to submit that any of their right have been violated inasmuch as in the advertisement it is clearly mentioned that the term of deputation shall be for a period of one year extendable from year to year upto a maximum period of five years and will be governed by the existing instructions of the Government of India relating to deputation and that the Kendriya Vidyalaya Sangathan deserves the right to repatriate the deputationist at any point of time even before completion of the approved deputation period without assigning any reason.

4). That with regard to the statements made in paragraphs VI-A, B, C, D, E, F & G the respondent states that these are matter of records and does not submit any comment.

5). That with regard to the statements made in paragraphs VI-H, the respondent denies the correctness of the same for, the decision of the Chairman in cancelling the appointment made on

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deputation basis and in furtherance some of them who were regularised were to be cancelled is lawful.

Had the applicants been appointed as per Rule of the Kendriya Vidyalaya Sangathan, then there was no need for the Kendriya Vidyalaya Sangathan to take action in the manner it has taken now. To allow the applicant to continue in the post would mean to giving a go-bye to all the Constitutional provisions and the Kendriya Vidyalaya Sangathan would remain a silent spectator by suppressing the legitimate rights of those persons who were eligible for being either promoted or recruited as Principals. It is submitted that the then Commissioner who happened to be the appointing authority appointed Principals on deputation basis on year to year basis. Simultaneously, the then Commissioner was approving clubbing of all the posts earmarked for General and OBC / other reserved category and went on appointing Principals on regular basis who were working on deputation, although no such provisions were not made in the recruitment Rule for the post of Principal. In all, upto now, there are 140 candidates whose appointments have been regularised against the Rules and as many as 187 persons working on deputation basis as Principals in various Kendriya Vidyalayas. These persons (Regularised as well as on Deputation) are occupying the posts meant for the reserved as well as general category candidates. The Commissioner's power to appoint Principals in the manner decided by the BOG was not followed strictly resulting in injustice to persons belonging to

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reserved / general category. The appointments made by the then Commissioner cannot stand the scrutiny of law inasmuch as their has been a flagrant violation of Constitutional provisions vis-à-vis persons belonging to reserved / general category who could not gather opportunity to compete for the post of Principal. Even the Hon'ble Supreme Court's Judgment on reservation has not been followed while operating the recruitment Rules thereby depriving the legitimate right of persons in the reserved category from getting appointed as Principals ever since the then Commissioner started regularising the deputationists as Principals who were initially appointed for a fixed tenure.

6). That with regard to the grounds set forth in the application in paragraph VII, the deponent submits that these grounds are ill founded and no legs to stand to support the claim of the applicant for the irregularities and illegalities as mentioned in above paragraph being committed in appointing the applicant in the initial, it has violated the provisions as under:

I. Direct recruitment quotas of ST/ SC/ OBC categories have been utilized by the deputationist's incidentally, reservation rules are not applicable when the posts are filled up with by way of deputation. Similarly, promotion quotas of all candidates have been utilized by deputationist. Deputationists for such period frustrated the very purpose of reservation Rules.

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II. By denying the opportunity of competing for the post of Principal to the general public, the Constitutional Provisions have been violated.

III. By regularising the deputationist against the vacant posts of Principals contrary to the terms of deputation, the appointing authority (i.e. Commissioner KVS) has exercised the power not vested on him.

Therefore, from the above it is seen that no action contrary to law has been taken by the respondent and the actions have been taken in accordance with the Constitutional provisions and further more the applicants have no vested rights conferred upon them to seek quashing of the order dated 18-11-2004 and in the circumstances it is submitted that the applicant have not made out any case for interference by this Hon'ble Tribunal.

It is further submitted that, as submitted above there were irregularities committed by the then Commissioner, the present Commissioner referred the matter to the Chairman for taking a decision although the Commissioner himself had pointed out the following steps to rectify the same and details that was put forward by the Commissioner in this regard are as follows:

"Considering this blatant violations in the recruitment rules for the posts of Principals the

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following policy decisions are proposed to rectify the situation:

- i. The order of appointment issued to the Principal on deputation for regularising their service as Principals while working on deputation may be cancelled.
- ii. All the deputationist working as Principal may be repatriated to their parent cadre.
- iii. Recruitment Rules for Principals may be amended providing for 45% qualifying marks in Master Degree in case of direct recruitment and in case of promotees minimum 1 year qualifying service as Vice Principal in the Kendriya Vidyalaya for promotion to the post of Principal.
- iv. Special Recruitment drive may be made for SC and ST to fill up the backlog vacancies followed by the general recruitment for all categories to fill up the remaining vacancies".

Thereafter, on getting the direction from the Chairman, the Commissioner proceeded to issue the order dated 18-11-2004. A reading of the order dated 18-11-2004 itself makes it clear that the Commissioner had applied his mind and it is only the applicant who are twisting the facts.

It is submitted that the Commissioner applied his mind and also the Rule while cancelling

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the appointments of the applicants. Since the regularisation and continuing of deputationist beyond the period is void ab-initio, non observance of principal of natural justice which in other words, the observance of natural justice is no way attracted would not vitiate the order dated 18-11-2004. It is further submitted if the order dated 18-11-2004 were not issued it would amount to encouraging the violation of constitutional provisions thereby depriving the legitimate right of the persons who are entitled to get appointment as Principal on promotion or by way of recruitment.

7). In view of the above it is submitted that there is no merit in the O.A and the O.A is liable to be dismissed with cost, it is also prayed that in view of the above the interim order passed by this Hon'ble Tribunal may be vacated.

V E R I F I C A T I O N.....Page/8

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AFFIDAVIT / Verification

I Shri Uday Narayan Khawarey, Son of Shri Jagat Narayan Khawarey, aged about 44 years, presently working as Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Maligaon, Guwahati, do hereby solemnly affirm and declare as follows:

1. That I am the Assistant Commissioner of the Kendriya Vidyalaya Sangathan, Maligaon, Guwahati, as such I am acquainted with the facts and circumstances of the case. By virtue of my office I am competent to swear this affidavit.
2. That the statements made in this affidavit and in the accompanying application in paragraph 1, 2, 3, 4 & 5 are true to my knowledge, those made in paragraphs being matter of records are true to my information derived therefrom. Annexures _____ are true copies of the originals and groups urged are as per the legal advice.

And I sign this affidavit on this the 4th day of January October, 2005 at Guwahati.

Identified by

Uday Narayan Khawarey

DEPONENT

Advocate's Clerk.