

50100
CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 313/2004

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SECTION OFFICER (Judl.)

*Shahid
14 Nov 17*

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

ORDER SHEET

313/04

Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants:

M. Krishna Mohan

H. O. T. Gons

Respondents

K. Bhattacharjee, S. Bhuyan

Advocates for the Applicant

K. V. S.

Advocates of the Respondents

K. V. S.

Notes of the Registry

Date

Order of the Tribunal

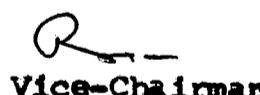
2.12.04.

Present: Hon'ble Mr. R. K. Batta, Vice-Chairman.

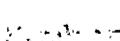
Hon'ble Mr. K. V. Prahadan, Administrative Member.

At the request of learned counsel for the applicant stand over to 13th December, 2004 for Admission.


Member


Vice-Chairman

At the request of learned counsel for the applicant stand over to 4th January, 2005.


Vice-Chairman

Steps taken with
envelops

1m

13.12.04.

1m

✓
2/1/05

W/s has been fixed
on behalf of WO
R - 2 & 3

✓
2/1/05

4.1.2005

Mr. K. Bhattacharjee, learned coun-
sel for the applicant was present.
List the case on 3.2.2005 for admi-
ssion.

Member
Member

bb

10.1.2005

Written statement has been filed.
The applicant may file rejoinder, if
any. List on 3.2.2005.

2/2/05

- 1) Rejoinder has been filed
on R. no. 2 & 3.
- 2) The case is ready for
hearing as regards
W/s ad rejoinder.

Member (A)
Member (A)

✓
2/2/05

✓
2/2/05

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 – 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 Shri 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,
 Missmari, 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,
 Eokra
 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. Patharnitra 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 .

N.M. 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

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

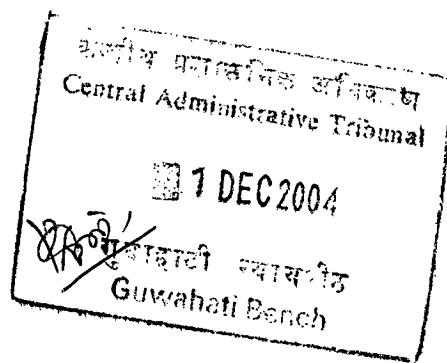
10. Following the ratio and the dicta laid down in the aforementioned judgement we allow the present O.As and quash order dated 18.11.2004 passed by the Commissioner, KVS terminating the services of the applicants on the dictate of Chairman, KVS, with liberty to the respondents to take action in accordance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

District: - Imphal West



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

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

Original Application No.....313.....of 2004

SRI M. KRISHNA MOHAN

....Applicant

-VS-

The Union of India and Ors.

....Respondents

SYNOPSIS

The applicant 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 45% marks in aggregate and B.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 applicant submit that as per the existing recruitment rules, the applicant is entitled for holding the post of Principal since he is the person 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. The applicant has cleared the screening test successfully with merit and pursuant to the passing of the screening test, the applicant was called for the interview and only thereafter qualifying in the interview, he was offered the post of Principal.

Filed by
the applicant
through
Subrat Bhuyan
Advocate
1-12-04

District: -Imphal West

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

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

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....Applicant

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Filed by

*Subrat Bhuyan
Advocate*

12

District: - Imphal West

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

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

Original Application No.....of 2004

I. PARTICULARS OF THE APPLICANT

SRI MANDEM KRISHNA MOHAN

S/O Mr. M. Munaswamy

Principal Kendriya Vidyalaya,

GC CRPF, Langjing, Imphal, Manipur- 795113

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 Vidyalaya Sangathan,

18, Institutional Area,

Shaheed Jeet Singh Marg,

New Delhi, Through its Commissioner.

3. The Commissioner,

Kendriya Vidyalaya Sangathan,

18, Institutional Area,

Shaheed Jeet Singh Marg,

New Delhi.

4. Assistant Commissioner,

Kendriya Vidyalaya Sangathan,

Regional Office, Silchar.

M. Krishna Mohan

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

The applicant declares that aggrieved by the action of the respondents in canceling the appointment of the applicant as Principal of Kendriya Vidyalaya Sangathan on an erroneous ground of violation of Rules and Constitutional Provisions without affording an opportunity of being heard. The present Original Application is filed against the order dated 18.11.2004 passed by the Commissioner Kendriya Vidyalaya Sangathan whereby terminating the appointment of the applicant as principal and repatriated him to substantive post of Post Graduate Teacher.

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 there under. He passed M.A in Economics and secured 60% in aggregate. He completed M.Ed. He is a person belonging to OBC.

M. Krishna Mohan

B. The applicant was working at Kendriya Vidyalaya Sangathan (in short KVS) IIT Powai, Mumbai, as a Post Graduate Teacher (PGT), Economics in the pay scale of Rs. 6,500/- -200 – 10, 500/-.

C. That the applicant states 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 at least 2nd class in Master Degree (45% marks and 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 and cleared screening test. He attended the interview 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 KV No. 2, Imphal 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 KV No. 2, Imphal on 30.06.2001 as per the appointment letter in pay scale of Rs. 10,000/- - 325 – 15,200/-.

M. Krishna Mohan

Thereafter from time to time his deputation period was extended by office orders dated 24.06.2002, 07.07.2003 and 28.06.2004.

Copies of the order dated 24.06.2002, 07.07.2003 and 28.06.2004 are annexed hereto and marked as Annexure: - 3, 4 & 5 respectively.

G. The person concerned who were appointed as principal in the year 2000 were regularized. Large number of person appointed in the year 2001 were also regularized. When this process of regularization was going on, Commissioner, Kendriya Vidyalaya Sangathan terminated the deputation of the applicant and repatriated him to his substantive post of postgraduate teacher vide the impugned order dated 18.11.2004.

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

H. That the persons concerned who were regularized in the post of principal after serving on deputation were also terminated. Pertinent points to be noted in this regard is that in the extent of termination of regular principal it is stated this appointment as principal on regular basis was void abintio and non-est in law and in the case termination of appointment on deputation basis it is stated that ad-hoc measure of appointing the principal on deputation for a long period is in violation of the constitutional provisions. So it is obvious that the respondent authority resorting different methods to remove the principals, whether on deputation or regularized. Their action is based on extraneous reason – not material for impugned order.

A copy of the order whereby terminated the service of a regular

M. Krishna Mohan

principal, who was on deputation, and repatriate him to his substantive post of post graduate teacher is annexed hereto and marked as Annexure: - 7.

I. That the applicant submits 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 45% marks in aggregate and B.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.

J. That although the termination order was passed on 18.11.2004, the copy of the said order was served upon the applicant on 29.11.2004. A large number of applicants approached before this Hon'ble Tribunal by filing application under section 19 of the Administrative Tribunal Act, 1985 seeking set aside and quashed the impugned order dated 18.11.2004, passed by the Commissioner, Kendriya Vidyalaya Sangathan (KVS). That on 24.11.2004 & 25.11.2004 this Hon'ble Tribunal passed an order

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whereby directing the respondents to maintain status quo till 30.11.2004. On 30.11.2004 this Hon'ble Tribunal extend the status quo till 04.01.2005.

A copy of the order dated 25.11.2004 passed in Original Application No. 290 of 2004 by this Hon'ble Tribunal is annexed hereto and marked as Annexure: - 8.

VII. GROUNDs.

- a) The respondents ought to have given a reasonable opportunity to the applicant before issuing any order, which is adverse to his service conditions and thereby violated the cardinal principle of *audi altarem partem* which is the basic tenent of Administrative Law.
- b) The respondents ought to have seen that as long as the recruitment rules are not amended the appointment given to the applicant cannot be withdrawn.
- c) The respondents ought to have seen, that any amendment of recruitment rules is prospective in nature and cannot be permitted to be given a retrospective effect and therefore, even the recruitment rules are amended / modified, the services of the applicant cannot be disturbed.
- d) The respondents ought to have seen that the Minister for HRD is only a Chairman of the Board of Governors and therefore, acting alone he cannot over rule the decisions taken by the Board of Governors in their 65th Meeting conducted on 19.03.1999. The respondents ought to have also seen that no

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retrospective effect can be given to such an illegal and arbitrary decision and dislocate the applicant herein.

- e) That large number of Principals on deputation basis, were regularized in their substantive post in phased manner. When the process of regularization was going on, the authorities of Kendriya Vidyalaya Sangathan arbitrarily resorting an action by terminating the Principals who were appointed on deputation on the pretext that these appointment were made in violation of the constitutional provisions. The action of the respondents is arbitrary and violative of Art 14 of the Constitution of India wherein the right of equality before law is provided. In the guise of protecting the equality of opportunity the right available under Article 14 of the Constitution of the applicant is being disturbed.
- f) The respondents ought to have seen that the appointment of the applicant was ratified by the Board of Governors in 65th Meeting held on 19.03.1999 and therefore, the order of the Chairman is illegal and the said order is proceeding on an erroneous presumption and a rather misleading ground that the appointment was done by the Commissioner and therefore, the Chairman has got the power to review the same. It is most respectfully submitted and reiterated that the appointments were ratified by the Board of Governors and as such the Chairman being part of the Board of Governors, he alone cannot take decision singly as Chairman without the convening of the meeting of the Board of Governors. Moreover, assuming for a moment but without admitting that the Board of Governors has consented to the decision of the Chairman, the same cannot be given a retrospective effect to cancel the appointments given to the applicant.

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- g) The respondents ought to have seen that the applicant who are recruited as per the extant regulations and having worked for more than three years as Principals and the impugned order is nothing but an attempt to deny the principles of natural justice. The respondents themselves offered the appointment to the applicant and the basic minimum requirement of a reasonable opportunity being denied to the applicant shows the vengeance that is being exhibited towards him with utter disregard to their employees.
- h) The action of the respondents created severe damage to the career of the applicant, he could have applied in some other organizations had they not been appointed as Principal in this respondent organization and it is now too late in his career to do the same, and irreparable damage that is being done by this arbitrary and high handed action need to be given a serious consideration by this Hon'ble Tribunal.
- i) The applicant may be permitted to urge other grounds at the time of hearing.

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.

M. Krishna Mohan

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

X. RELIEF SOUGHT

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 - 1) dated 18.11.2004 issued by Respondent No. 3. (Annexure: - 6)
- b) To pass such further order or orders as this Hon'ble Tribunal may deem fit and proper.
- c) 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 passed by the Commissioner, Kendriya Vidyalaya Sangathan (KVS) (Estt. – 1) and or pass such interim order / orders as may deem fit and proper.

XII. PARTICULARS OF THE POSTAL ORDER

Postal Order No. : - 20G135701

Dated : - 01.12.2004

Rs. : - 50/-

Issuing & Payable Office : - Guwahati GPO.

XIII. LIST OF ENCLOSERS

- 1. Paper Notification dated – 24.11.2000
- 2. Appointment letter dated 12.06.2001

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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.
7. An order whereby terminated the services of a regular principal who was initially appointed as principal on deputation and repatriated him to his substantive post of post graduate teacher.
8. Order dated 25.11.2004 passed in O.A No. 290/04 by this Hon'ble Tribunal.

m. Krishna Mohan

VERIFICATION

I, Sri M. Krishna Mohan s/o M. Munaswamy, aged about 46 yrs, by profession service, resident of Imphal, 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 I to XIII are true to my knowledge and that I have not suppressed any material facts.

And I set my hand in this verification on the 1st December 2004, at Guwahati.

M. Krishna Mohan
Signature

Estt.5142/2000
Government of India, Ministry of Home Affairs
Office of the Director of Census
Operations, Kerala

C.G.O Complex, Poenkulam, 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 recognised 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	Period 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

EN34/11



Railway Recruitment Board

South Lalguda, Secunderabad
No. RRB/SC/C/659/06/04/99

Declaring the written examination result of App. Junior Engineer (P.Way) Gr.II-Cat. No. 06 of E.N. 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	11541485
11240073	11341994	11520295	11810082
11312493	11342005	11520576	11820038
11340078	11342100	11540843	11820043
11340295	11342191	11540873	11820048
11340254	11342327	11541189	
11340831	11342732	11541396	
11340952	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 34/36

Government Recognised Certificate Courses
With Excellent Job Prospects in India & abroad

G N G MACHINING & CAM

CNC Turning, Milling, Wire-cut EDM & CAM covered in single course with emphasis on machine concept, programming & practicals on Trainer & Industrial production CNC Machines.

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

DATES START on 13th Dec. 2000 & 18th Jan. 2001 **FOR SAME ELIGIBILITY**

COMPUTER AIDED DESIGN: AUTO CAD - 2000

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 (CNC - CAD Training Centre) : 4361107 / 4353005
14, RAMA NATHAN STREET, (Near Mambalam Railway Station), T.NAGAR, CHENNAI-17
E-mail: cadcam@eth.net

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 on deputation basis from amongst those serving the Central/State/Semi Govt./ Autonomous Organisations 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/Differently-abled Defence Personnel/Govt. servants and employees of K.V.S.) as per rules.

Essential Qualifications :

(i) Atleast 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 or 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 in a Kendriya Vidyalaya for 03 years or more; OR

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

(f) As Vice-Principal and/or as 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 recognised Institutions 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, mark-sheets 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 (Admin.), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet 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 foolscap 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 (Admin.) 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. To be paid by Cash. Crossed 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 fulfilling 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 Organisations and C.B.S.E. affiliated +2 Schools recognised by the Government which have facilities to release its employees on deputation basis on retaining list 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 repatriate the service of a deputationist 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. _____

WHETHER 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)	Space for Passport size Photograph Form is liable to be rejected without photo
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)	

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

*Attested
by*

From page 26

ACADEMIC QUALIFICATIONS :

Qualification	Subjects Offered	Board/Univ	Year	Marks obtained	Max Marks	Percentage
H.Sec./St. Sec/ PUC/Intermediate						
Bachelor's Degree						
Master's Degree						
Additional Master's Degree						

(B) PROFESSIONAL QUALIFICATION :

Examination	Board/Univ.	Year	Marks Obtained	Max Marks	Percentage
B.T.L.T. Theory					
B.Ed. Practical					
M.Ed.					
Ph.D/M.Phil					
Any other course					

7. TOTAL TEACHING EXPERIENCE :

S. No.	Name of the Institution	Name of the Board to which Affiliated	Post Held	Scale of pay and basic pay	From	To

8. TOTAL ADMINISTRATIVE EXPERIENCE :

Name of the post	Scale pay	Name of the Institution Res/Non-resi	Post held		Total Experience yrs.	Months
			From	To		

9. Whether passed Departmental Examination. If yes, please indicate the year. Also attach a copy of the letter

10. OTHER VITAL INFORMATION :

- Name & Address of the institution where working _____
- Whether the Institution is Govt/Aided/Pvt _____
- Whether the Institution is Residential/Non-residential _____
- The level of the Institution i.e. upto class X/XI/XII _____
- Present post held _____
- Scale of pay _____

(Applicants working in the Sangathan must indicate the post held by them in their parent organization)

- Whether permanent/temporary/Ad-hoc _____
- Date since held _____
- Complete break-up of the scale of the post held _____
- Present basic Pay Rs. _____ Since _____
- Date of superannuation from present service _____
- State your mother tongue _____
- Native District & State _____
- Nearest Railway Station _____
- Languages you can fluently
 - Speak _____
 - Write _____
 - Read _____
- Preference of State(s) for posting 1. _____
2. _____
3. _____
- Whether married/unmarried _____
- Whether the spouse is employed _____
(Indicate the designation and complete address of employer)
- Any other relevant information _____

11. Name and address of the Relieving/Controlling Authority _____
(Give the complete address with PIN code).

DECLARATION

I solemnly declare that the statements made by me are correct to the best of my knowledge and belief. I have read all the terms & conditions thoroughly and also clearly understand that in the event of my appointment in the Sangathan my services are liable to be reappointed/terminated without notice, any time during the service, if the foregoing information or any part thereof furnished by me is found to be wrong or suppressed.

PLACE _____
DATED _____

(Signature of the Candidate)

FOR USE OF THE FORWARDING OFFICE

Name of the Office _____

Date _____ and address _____

PIN Code _____

(Please give complete address)

It is certified that the applicant is working as _____ since _____ in this institution, which is a Government/Semi Government/State Govt/Govt recognized/Autonomous/Aided/Private and that entries made by the applicant have been found correct on verification from his service records.

No Vigilance/disciplinary case is pending/contemplated against him/her at the time of application

Place _____ Signature _____

Date _____ Name _____

Designation _____ Designation _____

Seal _____

(To be signed by Relieving/Appointing/Competent Authority)

EN 34/81

INDIAN STATISTICAL INSTITUTE

203, B. T. ROAD, CALCUTTA - 700 035

Applications are invited for appointment of one purely temporary project-linked Junior Research Fellow in the Geological Studies Unit of the Institute to work in the DST-funded project entitled "Depositional motifs of the Salpura Gondwana succession : their spatial and temporal variability in relation to basin tectonics." The project will remain valid till September 2003. The fellowship carries usual stipend, HRA and medical facilities as per the norms of the Institute. Qualification : Essential-M.Sc. in Geology or equivalent; Desirable-NET or GATE clearance. However, those without NET or GATE qualification may also apply. Applicants will be called to appear before an interview committee. Typed application stating a. Name & address, b. Father's name, c. Date of birth, d. Qualification & experience along with the photocopies of testimonials should be sent to Director, Indian Statistical Institute, 203, B.T. Road, Calcutta-700035 so as to reach his office within two weeks of publication of this advertisement. Applications can also be sent through e-mail at : director@www.isical.ac.in. Covering envelope should be marked "APPLICATION FOR JRF IN GEOLOGY".

Director

EN 34/4

Bharatiya Reserve Bank Note Mudran Limited

Reserve Bank of India Building
3rd Floor, 10/38 Nrupathunga Road
Bangalore-560 001

A Challenging Career

Who we are

We, Bharatiya Reserve Bank Note Mudran Limited (BRBNML), are a wholly owned subsidiary of the Reserve Bank of India. We have established two printing presses, one at Mysore and the other at Salboni. We have our Corporate Office at Bangalore.

What we do

We are responsible for a sovereign product. We print Indian Banknotes for the Reserve Bank of India on 'state of the art' banknote printing machines.

Whom do we need

We are in need of a General Manager to be posted at any of our establishments at Mysore/Salboni/Bangalore.

What are we looking for

We are looking for a top-level self-motivated, dedicated technocrat between 45 and 55 years of age (age relaxation is available to SC/ST and OBC candidates as per Govt. of India guidelines) with appropriate background, having managed large industrial corporates or public sector undertakings with not less than 20 years experience of which 10-15 years must be at Senior Management level preferably with thorough exposure to a computerized environment and experience in Production -Planning -Control, Human Resources Development, ISO 9001-2000 and Industrial Relations.

What do we offer

We offer one of the best packages among public sector undertakings in India.

What you are to do

If you are the person we are looking for, rush your detailed CV within 15 days to the Managing Director at the above given address.

EN 34/14

SANJAY GANDHI POST GRADUATE INSTITUTE OF MEDICAL SCIENCES

Raebareli Road Lucknow-226014 (U.P.)

Fax No. 91-522-440973, 440017

E/ABX : 91(522) 440004-B, 440700, 440800

Email: sas@sgpgi.ac.in

Advt. No. ACAD-7/2000

POST M.D./M.S. TRAINING PROGRAMME IN MEDICAL BIOTECHNOLOGY

Applications are invited from In-service candidates for the DBT sponsored post M.D./M.S. training programme in Medical Biotechnology at the Department of Medical Genetics, Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow. The training period is for one year which includes structured course and research project in Molecular biology related to Medical Genetics.

The interested candidates with M.D./M.S. degree or equivalent in any medical subject recognised by the MCI should submit their applications through proper channel on plain paper alongwith their complete bio-data. It should be duly recommended & forwarded by the sponsoring institution. The application should include information about background experience in the above areas, available facilities in the department & the institution of the applicant and two pages write up of the reasons to undertake the training and proposed plan.

The candidates will be required to appear before the Selection Committee on December 21, 2000 at 11.00 a.m. at the Committee Room, Administrative Block SGPGIMS, Lucknow. Candidates should note that the training programme would be started from January 1, 2001. The selected candidates will be paid a stipend of Rs. 6000/- per month plus HRA and a training fee of Rs. 6000/- per annum will be payable by the candidates.

The applications should reach the Dean, SGPGIMS, Lucknow-226014 (U.P.) latest by December 15, 2000. The candidates may also send their Bio-data alongwith requisite information to the Head, Department of Medical Genetics, SGPGIMS at Fax No. 91-522-440973 or e-mail sas@sgpgi.ac.in, dvp 1309(20)2000

EN 34/19

KENDRIYA VIDYALAYA SANGATHAN
(ESTT.II SECTION)

SPEED POST

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

F.7-4/2001-KVS(E.II)/0040

DATE:

THE ASSISTANT COMMISSIONER
KENDRIYA VIDYALAYA SANGATHAN
REGIONAL OFFIC. MUMBAI

Subject: Appointment of Shri M.Krishna Mohan, RGT(Eco), IIT Powai, Mumbai 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 M.Krishna Mohan 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.

2. He/She is posted as Principal at Kendriya Vidyalaya, No. 2 Imphal

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.

3. Shri M.Krishna Mohan 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.

Contd....p/2...

*Attested
Prayag*

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Mohan It is, therefore, requested that Shri Mo Krishna may please be relieved the instruction to join at K.V. No.2 Imphal 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 M.Krishna Mohan, PGT(Eco), K.V. IIT Powai, Mumbai - 76
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. No.2 Imphal 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. IIT Powai
4. The Asst. Commissioner, KVS, RO, Silchar
He/She is requested to intimate the date of joining of the incumbent to this office immediately by Speed Post/Fax.
5. Personal file.
6. Guard file.

45
Assistant Commissioner(Admn)

—16—
Annexure 5
KENDRIYA VIDYALAYA SANGATHAN
(Estd.II Section)

84
18, Institutional Area,
Shahid Jeet Singh Marg,
New Delhi -110016.

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

SILCHAR REGION

01.	SHRI SG SHROTI RANGAPAHAR	16.7.2002
02.	SHRI SURESH KUMAR BOKAJAN	28.6.2002
03.	SHRI K SREENIVASAN DULIAJAN	9.7.2002
04.	SHRI KN BHATT NAMRUP	29.6.2002
05.	SHRI DK DWIVEDI DOOM DOMA	27.6.2002
06.	SHRI B VIJAYA VERMA DIMAPUR	10.7.2002
07.	SHRI E ANANTHAN KUMBHIGRAM	30.6.2002
08.	SHRI M KRISHNA MOHAN LANJING NO2 IMPHAL	12.6.2002
09.	SHRI PC MAHAPATRA DHOLCHERRA	26.6.2002
10.	SHRI V SHIVAJI NO.1 SILCHAR	27.6.2002
11.	SHRI DR YADAV KRIMGANJ	29.6.2002
12.	SHRI EM REDDY PANISAGAR	16.7.2002
13.	Sh SM Garg Aizwal	30.6.2002
14.	Shri RG Das Zakhama	25.7.2002

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Sengupta

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;02:

02.

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 reckoning the initial date of joining on deputation depending upon the individual concerned Principal conduct and performance and administrative exigencies of the organisation. Moreover, this appointment on 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.
- ii) 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.

(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.

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

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 and KV where working	Date upto which period of deputation extended
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Silchar Region

01.	Shri S.G.Shroti Rangapahar	15.7.2004.
02.	Sh. Suresh Singh Panchgram (Under order of transfer to No.2 Army Bhuj)	27.6.2004.
03.	Shri K.Sreenivassan ARC Dumdooma	08.7.2004.
04.	Shri K.N.Bhatt Namrup	28.6.2004.
05.	Shri D.K.Dwivedi Duliajan	26.6.2004.
06.	Sh.B.Vijaya Verma Tuli	09.7.2004.
07.	Shri E.Ananthan Kumbhigram (Under order of transfer to Silchar)	29.6.2004.
08	Sh.M.Krishna Mohan No.2 Imphal	<u>29.6.2004</u>
09.	Sh.P.C.Mahapatra Dholchera	25.6.2004.
10.	Shri V.Shivaji No.1 Silchar (Under order of transfer to Karimganj)	26.6.2004.
11.	Shri DR Yadav Karimganj (Under order of transfer to Kumbhigram)	28.6.2004.

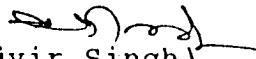
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12.	Shri R.G.Das Zakhama	24.7.2004.
13.	Shri S.Sarangi ONGC Agartala	28.7.2004.
14.	Shri PC Ratha Kunjaban, Agartala	02.7.2004.
15.	Shri A.K.Dixit ONGC Sibsagar (Under order of transfer to Bakloh)	31.7.2004.
16.	Shri S.P.John Tinsukia	27.6.2004.
17.	Sh.K.N.Roy Choudhary Dinjan (under order of transfer to No.1 Jamnagar)	04.7.2004.
18.	Shri G.P.Saini ONGC Nazira	04.7.2004.
19.	Sh.Sudhakar Singh Dimapur (Under order of transfer to BHU Varanasi)	25.7.2004.

=====

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


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

Copy to:-

01. Individual concerned.
02. Asstt Commissioner, KVS, Regional office, Silchar 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.
03. Chairman, VMC of Kendriya Vidyalaya concerned.
04. Education Officer(Vig).
05. Assistant Commissioner, KVS, RO, Ahmedabad/ Jammu /Patna for favourof information.
06. Office Order File.

KENDRIYA VIDYALAYA SANGATHAN
(ESTT-I SECTION)

84
31

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

F.7-7/2002-KVS(Estt.I)

Dated: 28.6.2004.

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:-

S.No.	Name of the Principal	KV where working	Date upto which period of deputation extended
01	Smt. Alka Srinivas	VSN, Nagpur	26.06.2005
02	Sh. Hemant Upadhyay	Adra	29.06.2005
03	Sh. A. Tripathi	Tura	24.06.2005
04	Sh. C. M. Kurup	Koraput	26.06.2005
05	Sh. Ravindra Prakash	Sikar	09.07.2005
06	Smt. Sharita Chauhan	Jhajjar	14.07.2005
07	Smt. V. J. Pallam	No. 3 NAL Bikaner	27.06.2005
08	Sh. M. L. Aggarwal	No. 1 Akhnor	28.06.2005
09	Sh. D. S. Negi	Nangal Bhur	27.6.2005
10	Smt. Kiran Bala	DBN Shikar	27.6.2005
11	Dr. R. K. Poonia	Rajauri	05.7.2005
12	Sh. S. M. Garg	Rae Bareily	29.6.2005
13	Sh. T. Punna Rao	9 BRD Pune	29.6.2005
14	Sh. M. N. Sreekumar	INS Valsura	28.6.2005
15	Smt. Jaba Sengupta	ITI Manakpur	26.6.2005
16	Sh. E. Ananthan	Silchar	29.6.2005
17	Sh. V. Shivaji	Karimgunj	26.6.2005
18	Sh. P. C. Mishra	Dholchera	25.6.2005
19	Sh. D. R. Yadav	Kumbhigram	28.6.2005
20	Sh. Guresh Singh	Army Bhuj	27.6.2005
21	Sh. D. K. Diwedi	Dulian	26.6.2005
22	Sh. K. N. Bhat	Namrup	28.6.2005
23	Sh. K. Srinivasan	Doomdooma	08.7.2005
24	Sh. M. Krishnamohan	Laling	29.6.2005
25	Sh. R. G. Das	Zakharia	24.7.2005
26	Sh. G. S. Srotri	Rangapahar	15.7.2005

*Notified
Gyan*

Q-202

2. The terms & conditions of the offer of appointment of deputation to the post of Principal remain unaltered.

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

28/6/74

28/6

28/6

Copy to:-

1. Individual concerned.
2. The Asstt. Commissioner, KVS, RO concerned with the request to make proper entry in the S/Book of the individual concerned with proper attestation immediately and also regulate his increment as per rules.
3. The Chairman, VMC of Kendriya Vidyalaya concerned.
4. The Education Officer (Vig), KVS (HQ), New Delhi.
5. Office order file.

Kendriya Vidyalaya Sangathan
Headquarters
18, Institutional Area, SJS Marg
NEW DELHI - 110016
Telephone: 26858570 (5 Lines)
Web Site: www.kvsangathan.nic.in

F.7-7/2002/KVS/Estt.I)

November 18, 2004

OFFICE ORDER

WHEREAS Shri M. Krishnamohan presently working as Principal, Kendriya Vidyalaya, No.2, Imphal was appointed as Principal on deputation basis Initially for a period of one year vide Order No .F.7-4/2001-KVS (Estt-II) dated 12.06.2001 which was further extended vide Order No. F.7-7/2002-KVS (Estt-II) dated 24.06.2002, No. F. 7-7/2002-KVS (Estt-I) dated 7.7.2003 and No .F.7-7/2002-KVS (Estt-I) dated 28.06.2004.

WHEREAS the Chairman, KVS after examining all the materials on record has found that this adhoc measure of appointing the Principal on deputation for a longer period is in violation of the constitutional provisions.

Therefore, I hereby terminate the deputation of Shri M. Krishnamohan as Principal in terms of Provisions of Offer of Appointment as Principal on deputation basis issued

*Attested
Parmanand*

vide Order No. F.7-4/2001-KVS (Estt-II) dated 12.06.2001 and repatriate him/her to his/her substantive post of PGT (Eco.) with immediate effect. Shri M. Krishnamohan is directed to hand over the charge of the Principal to Vice-Principal/ Senior Most PGT immediately and report to the Principal Incharge in the same Kendriya Vidyalaya and discharge his/her duties as may be assigned to him/her.

(Ranglal Jamuda)
COMMISSIONER

Copy for information and necessary action to:

- 1. Shri M. Krishnamohan, Principal, Kendriya Vidyalaya, No.2, Imphal.
- 2. The Principal, Kendriya Vidyalaya, No.2, Imphal.
- 3. The Chairman, VMC, Kendriya Vidyalaya, No.2, Imphal.
- 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.

23-NOV-2005 14:01

KVS, CHABUA

2387509

P.01

SPEED POST

KENDRIYA VIDYALAYA SANGATHAN
HEADQUARTERS
18, INSTITUTIONAL AREA
SHACHEED 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-existent 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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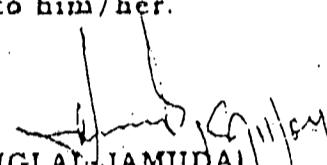
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by [Signature]*

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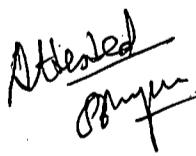
:- 2 :-

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 JAMUDAI)
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
By
[Signature]

ORDER SHEET

g. App./Misc Petn/Gent. Petn/Rev. Appn.....

290/64.....

In O.A.....

Name of the Applicant(s) ... M. S. Dasgupta.....

Name of the Respondent(s) ... M. K. S. Mazumdar, K. V. S. Bhattacharjee.....

Advocate for the Applicant A. D. Bhuyan, K. Bhattacharjee, S. Bhuyan, S. Deba.....

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

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

25.11.04

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.

Sd/MEMBER(ADM)

Verified to be true Copy

প্রাপ্তি প্রতিপাদ্য

J
25/11/04

Section Officer (J)

C.A.T. GUWAHATI BENCH

Guwahati-781005

J
25/11/04

Attested
Bhuyan

- 7 JAN 2000

Guwahati
GuwahatiIN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH - GUWAHATI

O.A No. 313/2004

Filed the Respondent
through Dik. Dik. Dik. Dik.
S. C. K. V. Sangathan 38
6-1-05

IN THE MATTER OF:

Sri M Krishna Mohan

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 Commissioner, 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.

Contd....

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 , 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 the respondent denies the correctness of the same for, the decision of the

Chairman in cancelling the appointment made on deputation basis 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

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.

Contd....

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

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 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.

Contd....

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% quailing 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.

As submitted in the preceding paragraphs, the chairman, KVS who is duty bound to implement the decisions of the BOG has after going through the records took a decision in the manner resulting the issuance of the order dated 18-11-2004. This order had not been issued in violation of any principles of natural justice but to protect the constitutional provisions. It is further submitted that the orders has not been issued by way of punishment but the same has been passed for, their appointments as Principals

when effected by contravening the rules. It is submitted that the order dated 18-11-2004 is not primitive in nature inasmuch as the applicant's original position has been restored and therefore question of civil rights having been violated does not arise.

It is most specifically submitted that since there is no right for the applicant to continue as Principal on deputation and his further continuance would have harmed the interest of the organisation, it was the high time that a decision was taken in this regard to review the appointment made. Had the appointment were made in accordance with rule no review would have taken place and therefore it cannot be stated that the order dated 18-11-2004 repatriating the applicant is illegal. It is further submitted that no prejudice is caused to the applicant and even if the principle of natural justice were to be followed the result would have been same inasmuch as appreciating the rule of deputation the applicant would not have got any right to continue in the post.

8). 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.

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.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
27 FEB 2004 GUWAHATI BENCH - GUWAHATI

O.A.NO.913 OF 2004

MISC. CASE NO. /2004

Between

गुवाहाटी न्यायालय
Guwahati Bench

Filed by
the applicant
through
Subrata Dey
Advocate

M.KRISHNA MOHAN

Applicant

AND

The Kendriya Vidyalaya Sangathan and others

Respondents

REJOINDER FILED BY THE APPLICANT HEREIN

I, Mr M.Krishna Mohan S/O Shri aged about 43 years, KV
No. 2 Imphal (Manipur) do hereby solemnly and sincerely affirm and state as follows:

1. I am the applicant herein and as such well acquainted with the facts of the case. I submit that I have read the reply statement filed by the respondents herein and having understood the contents, do hereby deny all the material allegations, save those that are specifically hereunder.
2. The applicant begs to state that the entire reply statement is filed on a presumption that the applicant was initially engaged as Deputationist due to non-availability of suitable candidates for the direct recruitment and promotion. At this outset it is important to have a glance at the recruitment rules for the post of Principal. The deponent states that 66.2/3% is by direct recruitment on the basis of All India advertisement and 33.1/3% by promotion. The applicant falls under the category of 66.2/3% direct recruitment. It is a precondition to advertise for direct recruitment and only in the event suitable candidates are not available by following such procedure, the respondent Sangathan can opt for filling up the vacancies on Deputation basis. No suitable answer has come up from the respondents as to what are the efforts made by them for obtaining regular direct recruitment candidates before they opted for the procedure of drawing candidates by way of Deputation. No details or statistics are forthcoming from the reading of the reply statement filed by the respondents. The respondents, had they followed the procedure properly they would have definitely given the details and in the absence of such details an adverse inference need to be drawn that no such procedure has been followed and therefore, this Hon'ble Tribunal ought to lift the veil to see the mischievous intentions of the respondents in trying to repatriate/downgrade the posts of the applicants for no fault of theirs. Even as per the amended recruitment rules, an effort is to be made for direct recruitment before opting for filling up the vacancies by way of Deputation. The applicant states that no effort has been made by the respondents to fill up the vacancies by way of direct recruitment before opting for Deputation.

M. Krishna Mohan

2

3. Applicant begs to state that a perusal of Appendix-12 of the Accounts Code for the Kendriya Vidyalaya clearly indicates that the term Deputation/Foreign Service can be used only in the event of appointments made in public interest outside the normal field of deployment (i) on a temporary transfer basis to other Central Government Departments and State Governments and (ii) on temporary transfer on foreign service to bodies (incorporated or not) wholly or substantially owned or controlled by Government and organizations like Municipalities, Universities etc. The applicant is borne on the records of KVS as PGTs prior to his selection as Principal and even as Principal he is borne on the records of KVS. As such there is no element of Deputation in the selection of the applicant and hence by no stretch of imagination, his selection can be termed as Deputation. As already submitted an effort must be made by the respondents to appoint Principals by way of direct recruitment prior to appoint Principals on Deputation basis and hence the applicant reiterates that the selection of the applicant is a Direct Recruitment and the term DEPUTATION is a MISNOMER and MISCHEVIOUS.

4. In the year 2002, the KVS authorities issued instructions to the Asstt. Commissioners of the Regional Offices not to forward the applications of the Principals outside KVS admitting that they are facing shortage of Principals. This act of the respondents clearly indicates that the KVS had many vacancies of the Principals and they needed the services of the applicants to run the schools. By way of issuing such orders the respondents have deprived the applicant of an opportunity outside KVS.

(A copy of the instructions is annexed hereto and marked as Annexure-A)

5. The respondents have not offered promotion by applying the rule of pro forma promotion to any Principal working on so called Deputation basis who have fallen in the zone of Promotion from the post of PGT to Vice Principal from the year 2000 to 2004, which clearly indicates that the KVS has treated all these appointment on regular basis.

6. The applicant begs to state that the respondent KVS being an instrumentality of State under Article 12 of the Constitution of India should act more responsibly respecting the Fundamental Rights and Principles of natural justice. In the instant case, having recruited the applicant, the respondents did not even feel the necessity of issuing a notice disclosing the intentions to cancel the appointment of the applicant as Principal and they make a self serving statement that the cancellation of appointment of the Principals by proceedings dated 18-11-2004 is not by way of any disciplinary proceedings as the same is only to correct the mistake committed by the department. The deponent states that such a statement

Mr. Krishna Mohan

by the respondents indicates the irresponsible and arbitrary attitude they have towards their employees in utter disregard of all the rights available to them. The statement submitted by the respondents that the constitutional provisions have been violated as the general public was denied of the opportunity of competing for the post of Principal does not hold good because the applicant was selected through open advertisement inviting applications from all eligible candidates belonging to all category.

7. It is not out of place that the respondents failed to explain as to the reasons existing for cancellation of the appointments in such haste in utter disregard to the Constitutional Rights as well as the Principles of natural justice. In the process, the respondents are committing a blunder of canceling the duly selected Principals by directing them to handover the charge by making adhoc arrangements, by directing them to handover the charge to the Vice Principals/Senior most PGTs. The respondents failed to explain as to how such an arrangement would correct the imbalance in the rule of reservation, which they allege had occurred by the appointment of the applicants.
8. The applicant states that the respondents failed to explain as to how the Chairman can over rule the decision taken by the Board of Governors in their 65th Meeting, which was ratified, in the 66th meeting. Further the respondents failed to explain the irregularity committed by the then Commissioner when he is only an implementing authority and he has only implemented the decision of the Board of Governors as approved by the Department of Personnel and Training
9. Applicant states that the appointing authority for the post of Principals is the Commissioner and the Chairman has no right to interfere when the Commissioner was implementing the decisions of the BOG as Executive Head to implement the rules and regulations as decided by the BOG of the Sangathan. Under Article 15 of the Education Code for KVS, the Commissioner has got power to make appointment to all posts at Head Quarters and Regional offices as well as Vidyalayas corresponding in status to Group-A excluding Asst. Commissioner and above, on the recommendation of the Appointment Committee/DPC. The deponent states that the Commissioner made the appointment of the applicant pursuant to the minutes of the 65th and 66th Meetings of the Board of Governors and only on the recommendation of the Appointment Committee/DPC and as such there is no irregularity committed by the Commissioner, which warranted the interference of the Chairman. The applicant is appointed after following the due procedure prescribed for the selection and the applicant is also fully qualified to hold the post of the Principal and therefore, the interference of the Chairman is uncalled for and unwarranted. The applicant states that when the Commissioner only implemented the decision of the BOG, the Chairman has no authority to direct the Commissioner to nullify the resolutions of the BOG.

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10. The applicant begs to state that the statements of the respondents that there is no provision for regularizing the deputationist against the regular vacancies without following the recruitment rules is a mischievous and misleading statement intended only to disguise the malafide actions of the respondents in repatriating the services of the applicant as PGT without even following the basic minimum principles of natural justice and the protections available to them under the service rules as well as the Constitution of India. It is not out of place that the applicant was not recruited without following any recruitment rules and it is respectfully submitted that the applicant is fully qualified and selected only pursuant to the procedure followed for direct recruitment.

11. The applicant begs to state that the entire procedure followed for recruiting the applicant is the procedure that is to be adopted for direct recruitment, as is evident from the fact that the procedure adopted for the direct recruitment of the SC/ST/OBCs is the same as that is followed for the selection of the applicant. In fact the applicant as well as the reserved category candidates have gone through the same procedure for their selection and there is no difference. For instance a written test was conducted followed by an interview, which constituted the selection process for both the reserved category as well as the applicant who belongs to the general category. The deponent respectfully states that though mistakenly the respondents termed the selection of the applicant as by way of Deputation, their intention all along is only to select the applicants on Direct recruitment basis since the procedure that is to be adopted is first to make an attempt to secure candidates for direct recruitment, failing which by way of deputation. When the respondents are not forthcoming with any information as to the attempts made by them to procure Principals by way of direct recruitment, for all practical purposes as well as per the intentions of the respondents, the applicant was recruited as Direct recruitment Principal and they are estopped from taking a huge U turn and state that they were initially recruited as deputationists and therefore, their regularization and absorption in the KVS is unsustainable.

12. It is pertinent to point out that the Chairman is not the Competent Authority as per the Education Code and therefore, the Chairman cannot abrogate the powers that are not vested in him and try to interfere and over rule the acts of the Commissioner done pursuant to the decision of the Board of Governors.

13. Applicant states that the analysis of the reply statement filed by the respondents indicate that the decision to cancel the appointments of the applicant is taken in view of the fact that there was a violation of the reserved quota system but the respondents failed to furnish any statistics or any facts to prove their contention. The bald and bare statements cannot be a justification for cancellation of the appointments of the applicants. In fact the rule of reservation is followed as is

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evident from the notification calling for candidature wherein, it is categorically mentioned that the backlog vacancies etc., of the reserved communities.

14. Applicant respectfully begs to state that in June 2001 the services of 84 Principals recruited through the same procedure and qualification were regularized after completion of one year in the post. In the month of June 2002 the services of only 20 Principals appointed in applicant's batch were regularized and in the month of June 2004 again the services of another 36 Principals of applicant's batch leaving 26 Principals were regularized. The deponent is being repatriated as PGT whereas other Principals selected through same procedure and qualification in the same year and placed in the same panel have been absorbed as regular Principals.
15. Applicant begs to state that the respondents cannot be permitted to use the word Deputation to their favour when for all practical purposes I was selected as Direct recruit Principals. Assuming but without admitting deponent states that when his initial recruitment is for a tenure of 5 years his continuation as Principals cannot be termed as indefinite when not even the minimum tenure offered is allowed to be completed. Moreover, there are no unfettered powers to cancel the deputation without assigning any valid reasons. The deputation can be concluded only basing on the conduct, performance and achievements but not otherwise. Therefore, even on this count the respondents miserably failed to make out a case for the repatriation of the applicants.
16. Applicant states that the intention of the respondents is always to treat the recruitment of the applicant as Direct recruitment in letter and spirit as could be seen from the fact that consequent to the selection of the applicant as Principal the vacancies of the PGTs were filled up on regular basis. The said vacancies arose as a result of the applicants being selected as Principals. Therefore, whatever may be the terms used by the respondents, the process that was undertaken was only for direct recruitment but not Deputation. Now the respondents cannot be permitted to take advantage of the terminology used by them and term the selection of applicant as only deputation but not direct recruitment.
17. Therefore, it is prayed that this Hon'ble Tribunal may be pleased to allow the O.A. as prayed for and to pass such other or further orders as it deems just and proper in the circumstances of the case or else the applicant herein will suffer irreparable loss and injury.

M. Krishna Msham

VERIFICATION

I, Mr M.Krishna Mohan S/O Shri aged about 43
years, by profession service, resident of Imphal (Manipur) do hereby verify that I am the
applicant in the rejoinder. I am acquainted with the facts and circumstances of the case. I
hereby verify that statements made in paragraphs 1 to 17 are true to my knowledge and
that I have not suppressed any material facts.

And I set my hand in this verification today 2005, at Guwahati.

M. Krishna Mohan
Signature

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

No. F-6-S0/84/KVS (Estt.II)

Date: 09/10/2002

(For Personal Attention)

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

Subject:- Forwarding of application in respect of Principals of Kendriya Vidyalaya for employment outside the Sangathan.

Sir/Madam,

I am to draw your kind attention to the above noted subject and to say that in the recent past some Principals of Kendriya Vidyalayas have applied for employment on deputation basis or as a direct recruitee outside the Sangathan in response to the open advertisement of the respective organisation.

02. It is informed in this behalf that the matter has been examined at length under the provisions of rules and also taking into the consideration of the facts the services of the Principals of Kendriya Vidyalayas are required for smooth functioning of the Vidyalayas so that the students who are studying in the Vidyalaya should get the education in an uninterrupted manner.

03. At present the KVS is running short of required number of Principals to man the vacant posts and therefore, it has been decided by the competent authority not to allow the existing Principals to apply for outside employment.

04. In view of this fact all the Assistant Commissioners are advised, not to forward application from the Principals for employment outside KVS.

05. This issues with the approval of the competent authority.

Yours faithfully,

Sd/

(S. K. Talapatra)
Sr. Administrative Officer (Estt.)

Copy to:-

01. All dealing hands of Estt - II Section.

No. F.Mise/2003/KVS(GR)/

Dated 14/02/2003

Forwarded to all Principals of Kendriya Vidyalayas under Guwahati Region for information and necessary action.

Sd/
(S. S. Sehrawat)
(Assistant Commissioner)

Attested
Shreyas