

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

080/11/17
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FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

52/05

Original Application No.

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: Bal Bhadur Tamang & Ors.

Respondents: U.O.I. Govt.

Advocates for the Applicant: Mr. A. Das Gupta, Mr. S. Bhuyan
Mr. K. N. Choudhury Sr. Adv
Mr. R. S. Choudhury & Mr. G. Rahul

Advocates of the Respondents:

Notes of the Registry Date

28.02.2005

Order of the Tribunal

Present: The Hon'ble Mr. K. V. Prahladan, Member (A).

Heard Mr. A. Dasgupta, learned counsel for the applicant and also Mr. G. Rahul, learned counsel for the respondents.

Issue notice to the respondents to show cause as to why the application shall not be admitted. Returnable within four weeks.

List on 04.04.2005 for admission.

K. V. Prahladan
Member (A)

At the request of learned counsel for the Respondents case is adjourned to 14.4.05.

Vice-Chairman

Notice & order sent to ①/section for issuing to resp. Nos. 1 to 4 by regd. A/① post.

7/3/05 P/N 36746370
713/05 31=9/3/05

Notice duly served on TCSB No. 3.

0.A.52 of 2005

2.5.05.

At the request of learned counsel for
the applicant case is adjourned to 10.5.05.

Notice of resp:

No-1, Unserveal

As Incomplete
address.

Cl
29/3/05.

K. Balachandran
Member

V. Jayaraj
Vice-Chairman

1m

10.05.2005 Present : Hon'ble Sri Justice G. Sivarajan
Vice-Chairman.

Hon'ble Sri K.V. Prahladan,
Administrative Member.

Show cause notice was issued as early as 28.02.2005 and the case is adjourned from time to time to this date. The matter pertains to regularization of the appointment of the applicants 4 in Nos.

Heard Mr. S. Bhuyan, learned counsel for the applicants and also Mr. G. Rahul, learned counsel for the Respondents No. 2, 3 and 4.

Counsel for the Respondents No. 2, 3 and 4 brought to our notice of a communication received from the Deputy Director, Navodaya Vidyalaya Samiti. The said letter readsthus :

"Necessary approval accorded to appoint the said four petitioners as detailed below for appointing them on regular basis after following proper recruitment procedure for appointment in Jawahar Navodaya Vidyalaya Distt. South Sikkim. Copies of the approval by the Deputy Director, NVS, Regional Office, Shillong for appointing the said petitioner in Jawahar Navodaya Vidyalaya Distt. South Sikkim is attached at Appendix 'A' & 'B'.

1. Sh. Bal Bahadur Tameng as Cook (ST Category).
2. Sh. Remesh Kumar Das as Chowkidar (SC Category).

Contd/-

Contd/-

10.05.2005

2

3. Sh. Bijay Thakur - As Chowkidar cum Sweeper (OBC Category)
4. Sh. Deo Maya Chettri as Mess Helper (Gen Category).

As all the four petitioners have been given the necessary approval for appointment on regular basis in Jawahar Navodaya Vidyalaya Distt. South Sikkim it is prayed that the OA No. 5-2/05 filed by these petitioners in CAT Guwahati may be disposed off."

In view of the above, the applicants have no further grievance in the matter. The Respondents No. 2, 3 and 4 only to pass an order in that regards and communicate to the applicants. This shall be done within a period of two months from the date of receipt of copy of this order.

of
The application is disposed of at the admission stage itself.


K. D. Basu
Member


K. D. Basu
Vice Chairman

16.5.05
Copy of the order
has been sent to the
D/sec. for issuing the
same to the applicants
as well as to the L/Mov.
for the Respo.

क्षेत्रीय कार्यालय

नवोदय विद्यालय समिति

शिलांग

गानव संसाधन विकास प्रायालय
(शिक्षा विभाग)



No.

OA No. 52/05/NVS(SHR) / 217

Regional Office

NAVODAYA VIDYALAYA SAMITI

SHILLONG

Ministry of Human Resource Development
(Dept. of Education)

21.4.05

Dated

TO,

Smt. Rakhee Choudhury,
Advocate 'CGSC)
Rajgarh Road Bye Lane No 2,
Guwahati.

Sub: M.P. No. 52/05 in respect of Shri B.B.Tamang and
others Vs. UOI & Others - regarding.

Madam,

With reference to the subject cited above, I am to
forward herewith the draft para-wise reply in above case
for necessary filling of counter in CAT, Guwahati.

Yours faithfully,


(D. HAZARIKA)
DEPUTY DIRECTOR

Enlco: As stated.

MC/-



NAVODAYA VIDYALAYA SAMITI

REGIONAL OFFICE : NONGRIM HILLS SHILLONG-793003

(Ministry Of Human Resource Dev.

Department Of Education)

Telephone No : 0364 : 2521363 / Fax No. : 0364 -521362

email : navsam@sancharnet.in / rsroshillong@rediffmail.com

OA NO. 52/05 BETWEEN SH. BAL BAHADUR TAMANG AND OTHE VS VOI & OTHERS

Necessary approval accorded to appoint the said four petitioners as detailed below for appointing them on regular basis after following proper recruitment procedure for appointment in Jawahar Navodaya Vidyalaya Distt. South Sikkim. Copies of the approval by the Deputy Director, NVS, Regional Office, Shillong for appointing the said petitioner in Jawahar Navodaya vidyalaya Distt. South Sikkim is attached at Appendix 'A' & 'B'.

1. Sh. Bal Bahadur Tameng as Cook (ST Category).
2. Sh. Ramesh Kumar Das as Chowkidar (SC Category).
3. Sh. Bijay Thakur as Chowkidar cum Sweeper (OBC Category).
4. Sh. Deo Maya chettri as Mess Helper (Gen Category).

As all the four petitioners have been given the necessary approval for appointment on regular basis in Jawahar Navodaya Vidyalaya Distt. South Sikkim it is prayed that the OA No.5-2/05 filed by these petitioners in CAT Guwahati may be disposed off.


(D. HAZARIKA)
DEPUTY DIRECTOR

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE
NONGRIM HILLS SHILLONG-793003
(Ministry Of Human Resource Dev.
Department of Education)



Phone No.: 0364-2521363
Fax No. : 0364-2521362
email: navsam@sanchamet.in
nv.sroshillong@rediffmail.com

F.2-7/2003/Ravangla/NVS(SHR)/Pers/ 273

Dated 28/04/2005

Regd. Post./Speed Post

To
The Principal,
Jawahar Navodaya Vidyalaya Ravangla,
Dist. South Sikkim, Sikkim.

Sub: Approval for appointment of Group C & D posts-reg.

Sir,

In reference to your letter No.F.1-2/JNVR(S)/04-05/Estd/52&53 dated 16/3/05 on the subject noted above, I am to convey the approval of the competent authority for appointment for the below mentioned posts of Group C&D Employees on regular basis following the norms laid down by the Samiti with intimation to this office.

01. Shri Ajay Kumar Anand = for Lab.Attendant (OBC)
02. Shri Bal Bahadur Tamang = for Cook.(ST)
03. Shri Ramesh Kumar Das = for Chowkidar.(SC)
04. Shri Bijay Thakur = for Chowkidar-cum-Sweeper(OBC)

Concerned Principal should verify the particulars of the above, mentioned candidates with respect to the original certificate of qualifications, age, category, experience certificates (if any), etc. for its genuineness and correctness, it shall be sole and personal responsibility of the principal.

Yours faithfully,

(K.C.DAS)
Asstt. Director(pers)

Attached

(D. H. SARAKA)
Deputy Director
Nongrim Hills, Shillong-793003
Programs Cell, Samiti, 793003

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NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE
NONGRIM HILLS SHILLONG-793003
(Ministry Of Human Resource Dev.
Department of Education)



Phone No.: 0364-2521363
Fax No. : 0364-2521362
email: navsam@sanchamet.in
nv.sreshillong@rediffmail.com

F.2-7/2003/Ravangla/NVS(SHR)/Pers/ 260

Dated 26/04/2005

Regd. Post/Speed Post

To

The Principal,
Jawahar Navodaya Vidyalaya Ravangla,
Dist. South Sikkim, Sikkim.

Sub: Approval for appointment of one post one post of Mess Helper-reg.

Sir,

In reference to your letter No. F.1-2/JNVR(S)/2004-05/Estt./65 dated 21/04/05, on the subject noted above, I am to convey the approval of the competent authority for appointment for the post of Mess helper on regular basis following the norms laid down by the Samiti with intimation to this office.

01 Shri Deo Maya Chettri -for Mess Helper

Concerned Principal should verify the particulars of the above, mentioned candidates with respect to the original certificate of qualifications, age, category, experience certificates (if any), etc. for its genuineness and correctness, it shall be sole and personal responsibility of the principal.

Yours faithfully,

(K.C. DAS)
Asstt. Director (pers)

Approved

(D. HAZARIKA)
Deputy Director
Navodaya Vidyalaya
Regional Office, Shillong-793003

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE
NONGRIM HILLS SHILLONG-793003
(Ministry Of Human Resource Dev.
Department of Education)



Phone No.: 0364-2521363
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nv.sroshillong@rediffmail.com

F.2 -7/2003/Ravangla /NVS(SHR)/Pers/ 276

Dated 28/04/2005

Regd. Post./Speed Post

To
The Principal,
Jawahar Navodaya Vidyalaya Ravangla,
Dist. South Sikkim, Sikkim.

Sub: Approval for appointment of Group C & D posts req.

Sir,

In reference to your letter No.F.1-2 TNVR(S)/04-05/Estd/52&53 dated 16/3/05 on the subject noted above, I am to convey the approval of the competent authority for appointment for the below mentioned posts of Group C & D Employees on regular basis following the norms laid down by the Samiti with intimation to this office.

01. Shri Ajay Kumar Anand = for Lab.Attendant (OBC)
02. Shri Bal Bahadur Tamang = for Cook.(ST)
03. Shri Ramesh Kumar Das = for Chowkidar.(SC)
04. Shri Bijay Thakur = for Chowkidar-cum-Sweeper(OBC)

Concerned Principal should verify the particulars of the above, mentioned candidates with respect to the original certificate of qualifications, age, category, experience certificates (if any), etc. for its genuineness and correctness, it shall be sole and personal responsibility of the principal.

Yours faithfully,

(K.C.DAS)
Asstt. Director(pers)

Approved

(D. HAZARIKA)
Deputy Director
Navodaya Vidyalaya Sangathan
Regional Office Shillong 793003

Appendix B

NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE
NONGRIM HILLS SHILLONG-793003
(Ministry Of Human Resource Dev.
Department of Education)



Phone No.: 0364 - 2521363
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F.2 -7/2003/Ravangla/NVS(SHR)/Pers 26/04/2005
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Dated 26/04/2005

Regd. Post/Speed Post

To:

The Principal,
Jawahar Navodaya Vidyalaya Ravangla,
Dist. South Sikkim, Sikkim.

Sub: Approval for appointment of one post one post of Mess Helper-reg.

Sir,

In reference to your letter No. F.1-2/NVR(S)/2004-05/Estt./65 dated 21/04/05, on the subject noted above, I am to convey the approval of the competent authority for appointment for the post of Mess helper on regular basis following the norms laid down by the Samiti with intimation to this office.

01. Shri Deo Maya Chettri -for Mess Helper

Concerned Principal should verify the particulars of the above, mentioned candidates with respect to the original certificate of qualifications, age, category, experience certificates (if any), etc. for its genuineness and correctness, it shall be sole and personal responsibility of the principal.

Yours faithfully,

(K. C. DAS)
Asstt. Director (pers)

Approved
(D. I. AZARIKA)

Navodaya
Regional Office
Shillong - 793003

25 FEB 2005

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH,
GUWAHATI

Original Application No..... 52 / 2005

Bal Bhadur Tamang & Ors

....Applicant

-VS-

Union of India & Ors.

....Respondents

SYNOPSIS

The applicants were appointed as Cook, Chowkidar, Mess Helper, Sweeper respectively in Jawahar Navodaya Vidyalaya, Ravangla, South Sikkim (vide Annexure - B) after they were qualified in the interview. Initially they were appointed for a period of 89 days. Thereafter they were engaged on contract basis for a period of one year (vide Annexure: - D). Their services further extended ~~from another~~ ^{year to} years (Annexure: - G, H & I, J respectively). They have been working continuously without break for more than 4 years when the process of regularization of their service has been on process the respondent authority without regularizing the services of the applicants want to recruit some new persons in their place and the respondent authority ~~requisite~~ ^{as kept} name from the local employment exchange for employment in the post held by the applicants.

Being aggrieved by this arbitrary action and injustice the Applicants have approached before this Hon'ble Tribunal and prays for redressal of his grievances.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH,

GUWAHATI

(An application under Section 19 of the Administrative Tribunals Act, 1985)

Original Application No.....52...../2005

Bal Bhadur Tamang & Ors

....Applicants

-VS-

Union of India & Ors.

....Respondents

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Filed by

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH,
GUWAHATI**

(An application under Section 19 of the Administrative Tribunals Act,
1985)

Original Application No.....52...../2005

Bal Bhadur Tamang & Ors

....Applicant

- VS -

Union of India & Ors.

....Respondents

I. Particulars of the Applicants:

1. Bal Bhadur Tamang
Son of Late Lal Bhadur Tamang
Ravangla Kewzing Road,
South Sikkim, District – Namchi
Pin – 737139.
2. Ramesh Kumar Das
Son of Karna Bhadur Das,
Ravangla Lall Bazar,
South Sikkim, Dist – Namchi
Pin : - 737139
3. Deo Maya Chettri
Son of Gokul Bhadur Chettri,
Ravangla Busty, South Sikkim,
Dist – Namchi, Pin - 737139
4. Bijay Thakur,

Paw 216/42

Bal Balodur Samet

Son of Khaderan Thakur,
 N.N.V Ravangla, South Sikkim,
 Dist - Namchi, Pin: - 737139.

II. Particulars of the Respondents:

1. Union of India
 Through the Secretary to the
 Government of India,
 Ministry of Human Resource.
2. The Commissioner,
 Navodaya Vidyalaya Samiti
 Admn Block I.G. Studim, I.P Estate,
 New Delhi - 3398027.
3. The Deputy Director,
 Navodaya Vidyalaya Samiti,
 Regional Office, Nongrin Hills,
 Shillong.
4. The Principal,
 Jawahar Navodaya Vidyalaya,
 Ravangla, South Sikkim,

III. Particulars for which the application is made :

This application has been filed for regularization of services of the applicants who are working continuously in the sustentative posts for a long time.

IV. Jurisdiction of the Tribunal:

The applicants declare that the subject matter of the application is within the jurisdiction of the Hon'ble Tribunal.

V. Limitation:

For G1-2161412

Babu Bahadur Samay

The applicants further declare that the present application is within the Limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

VI. Facts of the Case:

- (1) That the applicants are citizen of India having their permanent place of residence as indicated above. This application is with respect to a common cause of action for regularization of services of the applicants. Accordingly the applicants crave leave of this Hon'ble Tribunal under Rule 4 (5) (a) of Central Administrative Tribunal Procedure Rules 1987 to file this application.
- (2) That the applicants are employees of Jawahar Navodaya Vidyalaya, Ravangla, South Sikkim. This school was established sometime in the year 2000 by creating 14 substantive posts including the post held by the applicants. The school is under the Administrative control of Deputy Director, Navodaya Vidyalaya Samiti, Regional Office, Shillong and as such this Hon'ble Tribunal has jurisdiction to entertain this application as the cause of action has arose within the territorial jurisdiction of this Hon'ble Tribunal.

A copy of Staff Sanction order 2000-2001 issued by Director (Estt) issued on 11.05.2000 vide order No. F.1-2-2000-NVS (Estt) is annexed hereto and marked as Annexure: - A.

- (3) That in order to recruit some persons in the post held by the applicants the authorities of Jawahar Navodaya

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Bal Bahadur Janj

Vidyalaya Samiti sent a requisition to employment exchange to sponsor some name of person for appointment. In response thereof names of the applicants were sponsored by local employment exchange for the purpose of recruitment in the post held by the applicants. The applicants were called for interview wherein they duly appeared and were selected.

Initially all these applicants were appointed for a period of 89 days by an order dated 15.02.2001. After expiry of the said period it was again extended for another period of 89 days.

A copy of the order of initial appointment dated 15.02.2001 is annexed hereto and marked as Annexure: - B.

(4) That while the applicants were in continuous service the authorities of Jawahar Nabodaya Vidyalaya decided that the non-teaching staff working in the sanction post as stated above would be allowed to continue on contract basis. An order in this regard was issued by the Assistant Director (pers) which was communicated to the principal under shilling region vide letter dated 31.05.2001.

A copy of the said letter dated 31.05.2001 is annexed hereto and marked as Annexure: - C.

(5) That in order to comply with this order, the applicants were called upon to apply for the same. Thereafter the applicants were appointed on contract basis for a period of one year vide their order dated 31.07.2001. This order

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of appointment was in continuation with their earlier continuous service as stated above.

A copy of this order of appointment dated 31.07.2001 is annexed hereto and marked as Annexure: - D.

(6) That on 13.06.2001 the Deputy Director (P & E) communicated the policy of appointment of non-teaching staff to all concerned Deputy Directors and regional officer. By this communication it was informed that such appointment would be on contract basis after holding due selection. This appointment, made on contract basis, shall be extended from time to time on recommendation of the concerned regional office.

A copy of the letter dated 13.06.2001 is annexed hereto and marked as Annexure: - E.

(7) That in continuation with letter dated 13.06.2001 the Joint Director (Administration) on 28.02.2003 informed all Deputy Director of respective regional offices that all the principal have been authorized to extend the period of service of the employees working as non-teacher staff.

A copy of the letter dated 28.02.2003 is annexed hereto and marked Annexure: - F.

(8) In pursuant with the policy adopted for extension of service for non-teaching staff the principal of the school informed the applicants to appear before him on 12.08.2003 for re-agreement. In response whereof an

Edt 216742

Bal Bahadur Singh

agreement in this regard was executed by all concerned applicants on 12.08.2003 for extension of service.

Copies of the 11.08.2003 and a copy of the agreement dated 12.08.2003 are annexed hereto and marked as

Annexure: - G & H respectively.

(9) That after expiry of the aforesaid period of one year, the applicant were again called upon for extension of their service. In pursuant with their policy as in directed above by the principal vide his letter dated 18.08.2004. A similar agreement was executed on 12.08.2004 for extension of their service for a period of one year.

A copy of the letter dated 11.08.2004 and a copy of agreement dated 12.08.2004 are annexed hereto and marked as

Annexure: - I & J respectively.

(10) That the Assistant Director (Pers) vide letter No. F 2-36 / 2002 – NVS (SHR) / Pers dated 21.07.2004 addressed to the Principals of all Jawahar Navodaya Vidyalaya under Shillong region informed that all Gr. D. LDC / Store Keeper are to be appointed on regular basis. In pursuant to this direction the authority of the Jawahar Navodaya Vidyalaya, Ravangla, South Sikkim reviewed the same on 12.08.2004 and decided to appoint persons in the aforesaid posts on regular basis.

A copy of the letter dated 21.07.2004 is annexed hereto and marked as

Annexure: - K.

PA 612061942

Babu Bokader

(11) That the Assistant Director vide letter No. 2-16/2003/NVS (SHR) / Pers dated 25.10.2004 requested the Principals Jawahar Navodalaya Vidyalaya in Shillong region to submit the details of such employees who have been working in long period. In this letter he suggested the principal not to appoint any employee for more than 239 days in a year against sanctioned post.

A copy of the letter dated 25.10.2004 is annexed hereto and marked as

Annexure: - L.

(12) That the principal, Jawahar Navodaya Vidyalaya, Ravangla, South Sikkim vide letter No. F - 2 / JNVR (S) / 2004 - 2005 / Estt / 623 dated 22.11.2004 to the Assistant Director (per) informed him that some person have been working in the said vidyalaya since 02.08.2001 till date and these employees do not fall under the quota reserved against each vacancy and requested to make rectification of the roster. The Assistant Director (per), Navodaya Vidyalaya Samiti Regional Office Shillong was pleased to change the roster as follows :-

LDC - U.R

Cook - S.T

Chowkider - S.C

Sweeper cum Chowkidar - O.B.C

Mess Helper - General

A copy of the letter dated 22.11.2004 is annexed hereto and marked as

Annexure: - M.

20/12/2004

Bul Bahan dar par

(13) That on 10.12.2004 the Principal, Jawahar Navodaya Vidyalaya wrote a letter seeking requisition of list of suitable and eligible candidates for regular appointment of Cook (ST), Mess Helper – U.R, Chowkidar – SC and Chowkider cum Sweeper – OBC from the employment officer, Employment Exchange, Namchi, Details regarding the post are given in "Notification of Vacancies Form" Rule – 4 (Annexure – 1) are given therein.

A copy of the letter dated 10.12.2004 is annexed hereto and marked as Annexure: - N.

(14) That in pursuant to aforesaid letter dated 10.12.2004 the Employment Exchange forwarded the names of the applicants for regular appointment in the post where they are working more than 3 years continuously. But on 31.12.2004 the said list was cancelled arbitrarily by the District Collector South District, Namchi, Chairman, JNV. Thereafter another list was forwarded by the local Employment Exchange without including the name of the applicants.

A copy of letter dated 31.12.2004 is annexed hereto and marked as Annexure: - O.

(15) That the applicants have made several representations for regularization of their services in the respective post, but the concerned authority did not pay any heed. The applicants compelled to serve a legal notice on

Eq 01216142

20.01.2005 to the respondent authority for regularization of their services. But nothing has been done till date and having no other alternative the applicants have approached before this tribunal for justice.

A copy of legal notice dated 20.01.2005 is annexed hereto and marked as
Annexure: - P.

(16) That the applicants apprehends that they may be terminated at any moment and recruit some new persons by depriving them of their regularization of service in their respective post. They have worked more than 240 days in a year and have been working continuously more than 3 years since joining in the service. They have been recruited in following proper procedure and entitled to be regularized in their respective substantive post. They have been in due process of regularization of their services and verge of being regularization of their service. If the applicants are terminated from their services they would suffer irreparable loss and injury. It is a fit case where the Hon'ble Tribunal may interfere and direct the respondent authority to regularize the service of the applicants without further delay.

VII. **Grounds for Legal Provision: -**

Being highly aggrieved by the action of the respondents, the applicants prefer this application on the following amongs other grounds: -

(a) For that the applicants are working continuously for a long time and that they are entitled to be regularized in the posts in which

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Bal Baha dur jay

they are appointed. But the respondents have whimsically deprived them their due entitlement.

- (b) For that due process for regularization of the services of the applicants were initiated by the respondents, but suddenly for no valid reasons, the same was discontinued and steps are being taken to recruit fresh candidates in the posts held by the applicants. The action of the respondents have frustrated the legitimate expectation of the applicants who have been continuously working for so long with the hope that their services would be regularized. Thus the action of the respondents have put the future of the applicants in total uncertainty causing severe hardship to them.
- (c) For that the applicants have been continuously working under
 - the impression given to them that they would be regularized in due course, although their initial appointment was on contract basis, extended from time to time. But the respondents arbitrarily deprived they applicants from regularization of their services and initiated steps to disengage them by filling up the posts with new candidates. The action of the respondents is violative of Art. 14 and 16 of the Constitution of India.
- (d) For that the action of the respondents deprived the applicants from a decent means of livelihood and the same is violative of Art 21 of the Constitution of India.

VIII. Details of the remedies exhausted: -

That the applicants submitted several representations and legal notice dated 20.01.2005 but nothing has been done till date and no communication has received from the respondents authority.

PCG/21/61/912

Bal Balodur Singh

IX. Matters not previously filed or pending in any other Court or Tribunal: -

The applicant declares that the subject matter(s) of this application are not pending before any Court of Law, any other authority or any other branch of this Hon'ble Tribunal.

X. Relief Sought: -

That in the premises aforesaid the applicant prays that your Lordships may be pleased to admit this application, call for the records, issue notices on the respondents to show cause as to why: -

1. The services of the applicants shall not be regularized in the sustentative post held by them;
2. The respondents shall not be restrained from appointing any person / persons in the posts held by the applicants

And /or pass such further or other order (s) as this Hon'ble Tribunal may deem fit and proper for the ends of justice.

XI. Interim order if any prayed for:

The applicants pray that during pendency of this case the respondents may be directed not to oust from their services.

XII. PARTICULARS OF THE POSTAL ORDER

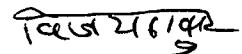
- a. IPO No. 206116243 Date. 24.2.05 For Rs.50/-
- b. Envelopes with acknowledgment
- c. Vakalatnama
- d. Material papers as per index.

206116243

VERIFICATION

I, Sri Bijay Thakur, son of Sri Khaderab Thakur, aged about 32 years, resident of J.N.V Ravangla, South Sikkim, District – Namchi do hereby verify that the statements made in paragraph 1 is true to my knowledge and that made in paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 & 15 are true to my information derived from the records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

And I sign this verification on this day 25 of February, 2005 at Guwahati.

Signature

159

65001 (7 Lines)

विद्यालय समिति
ज्ञान विकास प्रशान्त य, निष्ठा विमान
वायत संस्थान
नाग कालोनी, नई दिल्ली-110048

NO.F. 1-2/2000-NVS/Estt.)



तार : 'नवसम'
Gram : 'NAVSAM'

NAVODAYA VIDYALAYA SAMITI

(An Autonomous Organisation of Ministry of
Human Resource Development
(Department of Education)

A-23, KAILASH COLONY, NEW DELHI-110048

11.5.2000

टिकांक
Dated

STAFF SANCTION ORDER 2000-01

Sanction of the Competent Authority is, hereby, accorded for creation of one post each of the under mentioned posts for the year 2000-01 in respect of the newly sanctioned 14 (fourteen) Jawahar Navodaya Vidyalayas as per the details given below : -

SNo.	Name of the post	Scale of pay
1.	Principal	10000-325-15200
2.	LDC	2050-4500
3.	Chowkidar	2550-3200
4.	Chowkidar-cum-Sweep	- do -

Since these Navodaya Vidyalayas will start functioning after the conduct of JNVST i.e. sometime in the mid of the academic session, sanction of the Competent Authority is also accorded for creation of one post each of the under mentioned posts to be operative for conduct of admission test in these Vidyalayas as under : -

SNo.	Name of the post	Scale of pay
1.	TGT (Hindi)	5500-175-9000
2.	TGT (English)	-do-
3.	TGT (Maths)	-do-
4.	TGT (S. Stds.)	-do-
5.	TGT (H/R/Regional Languages)	-do-
6.	PET (Male/Female)	-do-
7.	Staff Nurse	5000 - 8000
8.	Cook	3050 - 4570
9.	Miss. Helper	2550 - 3200

Appointments to all posts will be made as per the provisions laid down in the Recruitment Rules.

Navodaya Vidyalaya Samiti

SHILLONG

Date : 26/05/2000

Date : 26/05/2000

Date : 26/05/2000

Attested
83/2000

Names of the newly sanctioned layas for which the above mentioned for the year 2000-01 are given as under:

S.No.	Name of the District	State	Concerned
1.	Mahasamund	MP	I
2.	Sheopur	MP	I
3.	Lohul & S	Himachal	I
4.	Mansa	Punjab	I
5.	Haveri	Karnataka	I
6.	Udaipur	Rajasthan	I
7.	Shajahanpur	UP	II
8.	Bagpat	UP	II
9.	Fatehpur	UP	II
10.	J.P. Nagar	UP	II
11.	Banaskantl	Gujarat	II
12.	Rongaigaon	Assam	II
13.	Demagiri	Assam	II
14.	West Sikkim	Arunachal	II
		Pradesh	II

Expenditure involved will be provision under Head "Staff Pa yments - Salaries" for 2000-01.

This issue is in consultation with the appro val of Director (JNVS) dated 10.5.2000.

Surinder Singh

Singh
Director (Estt.)

Re: To :-

1. Regional
2. JNVs conc
3. F & A Wing
dated 27t
4. UT.2 Sect
5. Academic

Office concerned.

Issue of the Samiti w.r.t. : 3276/DD(Fin.)
on April 2000:
Wing, Deptt. of Education
Wing/Sanction File/

Attested
by

JAWAHAR NAVODAYA VIDYALAYA, RAYANGA, SOUTH SIKKIM (SIXTH)

Ref. No. 3.1/1/2001/1000-01/2001/ / Dated. 15.01.2001

ADVERTISEMENT

It is decided to all concerned that there will be a walk-in-interview scheduled to be held in the chamber of the Principal, Jawahar Navodaya Vidyalaya, Rayanga, South Sikkim at 11 AM hrs of 14-1-2001 for the purpose of appointment of teaching and Non-teaching staff for the N.V. Rayanga, South Sikkim on part-time basis for a period of 89 days initially.

SL.	POST	ED. OF POST	AGE	QUALIFICATION	EXPERIENCE
01.	Cook	01 Pass	18-38 yrs.	Pass Class-V	2 yrs. exp. knowledge in cooking on large scale.
02.	Mono. Helper	01 Post	18-38 yrs.	Primary Pass	2 yrs. Americans of working in kitchen/Hotel
03.	Teacher	01 Post	18-38 yrs.	- do -	
04.	Teacher	01 Post	18-38 yrs.	- do -	
05.	Teacher	01 Post	18-38 yrs.	Pass 10 yrs. B.Sc.(PCM)	ED: For Tchr.
				- do - B.A in English	Preference will be given to B.Sc Candidates
07.	STT(S. St.)	01 Post	- do -	B.A with Vict. & Soc. or Vict./Soc. and Soc/Pol.Sc.	- do -
08.	PTM	01 Post	- do -	Bachelor's degree in Phys. Edn., B.P.Ed started by a recognised university.	- do -

These posts will be filled up purely on temporary basis, so that the best & suitable candidates having necessary qualifications may be engaged for the said interview as per the following arrangement.

A. K. Singh

(Dr. A. K. Singh)
Principal
Jawahar Navodaya Vidyalaya
Rayanga, South Sikkim
(Sikkim)

For distribution in the
various boards of the following
districts.

1. The District Collector, South Sikkim, Namchi.

2. The D.P.W.M. Rayanga, South Sikkim.

3. The District Collector, West Sikkim, Mangan.

Office copy.

Attested
B. S. Rayamajhi

SHILLONG

F.No.2-2/2001/NVS(SHR)/ 534

Date: 31.5.2001.

To,

The Principal,
All JNVs under Shillong
Region.

Sub: Sanction/ Creation of Non-Teaching post.

Sir/Madam,

The Samiti vide its Office Order No. 1-5/2000/NVS(Estt), dtd. 14.5.2001, has accorded necessary sanction for creation/continuation of the Non-Teaching post during the year 2000-2001 as per detail given in the enclosure. The appointments against this Non-Teaching post other than O/S, U.D.Cs/Staff Nurse/ Catering Asstt/ Drivers shall be made on contract basis as per the remuneration given below.

1. Store Keeper/LDC/Cook / - Rs.3,000/- P.M.
Electrician -Cum- Plumber

2. Lab. Attendant (Group 'D') - Rs.2,600/- P.M.

3. Group 'D' posts viz. - Rs.2,500/- P.M.
Chowkidar, Sweeper, Mess
Helpers.

Expenditure on account creation of additional posts will be made under head " Staff Payment / Salaries etc for the year 2000-2001.

It is requested that necessary action may be taken accordingly and the contract appointments should be filled as per the essential qualifications mentioned in the Recruitment Rules.

Yours faithfully

(W. TARIANG)
ASSIST. DIRECTOR (PERS)

Copy to : The Deputy Director (P. & E), NVS, New Delhi
with reference to his Office order no. F. No.
1-5/2000/NVS(Estt), dtd. 14.5.2001.

(W. TARIANG)
ASSIST. DIRECTOR (PERS)

Attested
Bhupen

OFFICE OF THE PRINCIPAL
JAWAHAR NAVODAYA VIDYALAYA & RAYNGLA, SOUTH SIKKIM (SIKKIM)

Ref. No. P. 1-3/JNVR(S)/2001-02/Recd. /172

Dated. 31.07.2001

To,

Shri/Smt. Ms. D. M. Mana Chetri
Rayngha Ghaty
P. O. Rayngha, South Sikkim

Sub.:- Appointment to the post of Mess Helper on
contract basis - regarding.

Sir,

With reference to your application dated 29.12.2000
and the interview conducted on 04.03.2001 you are hereby appointed
to the post of Mess Helper on contract basis for a
period of one year initially which can be extended year to year basis
by the competent authority. The terms and conditions for the appointment
are given under.

01. The appointment is purely temporary on contract basis
with a consolidated remuneration of Rs. 2500/- (Rupees
Two thousand only hundred only) per month.
02. You are eligible/ineligible for vacation and vacation
salary.
03. The appointment is initially for a period of one year only
from the date of joining after executing an agreement with
the undersigned and it can be extended year to year basis
by the Joint Director(Adm), NVS New Delhi on the recommendations
of the NVS Regional Office, Shillong.
04. Your service is liable to be terminated at any time when
a regular incumbent join the post.
05. You are not entitled for any travelling allowance for
joining the post.
06. The competent authority reserves the right to terminate
your service any time within the period of contract if
in any case your service or your behaviour is considered
unsatisfactory. Other terms and conditions will be governed
by the rules inforce in the Service from time-to-time.
07. You are required to produce certificates in original to
prove your educational qualifications, age, experience etc.

If you accept the offer and the afore mentioned terms and
conditions you should communicate your acceptance in writing to the
undersigned latest by 05.08.2001 and join the post within a week
positively.

Attested
S. Chetan


(K.V. SURISH)
PRINCIPAL
Jawahar Navodaya Vidyalaya
Rayngha, South Sikkim
(Sikkim)

6159

6468301 (7 Lines)

विद्या विद्यालय समिति
भारत संसाधन विकास मंत्रालय, शिक्षा विभाग
मा एक स्वायत्त संस्थान)

द-39, कलाश कासोनी, नई दिल्ली-110048

राष्ट्रीय F.No. 1-11/01-NVS(ESTT.)

No.

To:

The Deputy Directors,
All Regional Offices of
Navodaya Vidyalaya Samiti.



FAX / SPEED-POST

दिनांक 13.6.2001
Datedतार: 'नवसम'
Gram: 'NAVSAM'

NAVODAYA VIDYALAYA SAMITI
(An Autonomous Organisation of Ministry of
Human Resource Development
Department of Education)

A-33, KAILASH COLONY, NEW DELHI-110048

Navodaya Vidyalaya Samiti

SHELLING

318

Date 19/6/2001

File

SUB: APPOINTMENT OF NON-TEACHING STAFF IN JNVs ON CONTRACT BASIS, CLARIFICATION, REGARDING.

Sir/Madam,

I am to refer to the sanction orders issued for sanctioning the non-teaching posts for JNVs for the year 2000-01 and subsequent references received from the Regional Offices seeking clarifications for appointment of non-teaching posts and to say that it has been decided with the approval of Director(NVS) that all non-teaching posts other than Office Supdt., UDC, Staff Nurse, Catering Assistant of JNVs are henceforth shall be filled up on Contractual basis only. In this regard, I am directed to clarify the following points while making contract appointments:

- All appointments to the posts of Drivers, LDCs/Store Keeper, Cook, Electrician-Cum-Plumber, Lab Attendant, Chowkidar, Chowkidar-Cum-Sweeper and Mess Helper of JNVs are to be filled henceforth, up on contract basis only by following the prevailing selection procedures already in vogue, initially for one year which can be extended year to year basis by the JD(Admn.) of NVS (Hqrs.) on recommendation of RO, concerned.
- All recruitments for which the recruitment process has already been started at Vidyalaya level or pending at Regional Office for want of approval or otherwise shall also be made/filled up on contractual basis.
- Since no decision has so far taken about the terms and conditions of the appointment Matrons, the same are may be kept in abeyance until further orders.

Attested
B. S. C. Singh

Mr. S. C. Singh

d) No reservation roster is applicable for making appointment on Contractual basis.

e) The post of Driver in JNV will also be filled up on contract basis.

This issues with the approval of Director, NVS.

Yours faithfully,

Vivek Sharma

16.6.2001

(VIVEK BHARMA)

DY.DIRECTOR (P&E)

Copy to :

1. Sr. PA to Director (NVS) for the kind information of Director (NVS).
2. Guard file.

*Alfred
Sax*

3398027

निवास
फोन 3398057-60 (4 Lines)

-20-

Annexure - F

तार : 'नवसम'

Gram : 'NAVSAM'

नवसम विद्यालय समिति

मंत्र संसाधन विकास मंत्रालय, शिक्षा विभाग
(एक स्वायत्त संस्थान)

इ. खड, इ. गा. स्टेडियम, इ. प्र. एस्टेट,
दिल्ली-110002

श्रा F.No. 1-11/2001-NVS(Estt.)



NAVODAYA VIDYALAYA SAMITI

(An Autonomous Organisation of Ministry of
Human Resource Development
Department of Education)

ADMN. BLOCK, I.G. STDM., I.P. ESTATE,
NEW DELHI-110002

Email : navodaya@ren02.nic.in
navodaya@nda.vsnl.net.in
Website : navodaya.nic.in

दिनांक २८ -२-२००३

Dated

To
The Deputy Director
All Regional Offices of
Navodaya Vidyalaya Samiti

Sub: Appointment of Non-teaching staff in JNVs on contract basis - clarification
regarding.

Sir,

This is in continuation of Samiti's letter No. 1-11/2001-NVS(Estt.) dated 13-6-2001 on the above noted subject.

The posts of Driver, LDC/Storekeeper, Cook, Lab-Attendant, Chowkidar, Chowkidar-cum-Sweeper and Mess Helper in JNVs were directed to be filled up on contract basis only following the prevailing selection procedure vide above-referred letter. It was also intimated that the appointment shall be initially for one year which can be extended on year to year basis by the Joint Director (Admn.) on recommendations of Regional Offices concerned.

It has now been decided to delegate the power of extension in contract period to the Principal concerned without making any reference either to RO or to NVS Headquarters.

*Shri K. K. Jha
Dr. J. K. Jha
Dr. J. K. Jha
Dr. J. K. Jha*
This power shall, however be exercised subject to following :

The decision to extend the contract period shall be taken only on merit i.e. performance of the individual without any discretion at the level of the Principal.

It means that the extension will be granted to all those whose performance is

9-3-07
Jawahar Navodaya Vidyalaya
Kawangli, Sikkim
Sl. No....HS/2002-03-
File No.F.I.I.I.HVR(CD)F.S.L
Dated... 10-03-2003.....

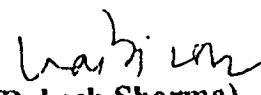
Attested
S. Jha

observed to be satisfactory and refused to all those whose performance is observed to be unsatisfactory.

b) It shall be applicable only to those contract employees who have been selected following strictly the prevailing selection procedure.

The ban imposed on the recruitment of non-teaching employees at Vidyalaya level vide this office letter No. 2-1/2002-NVS(Estt.) dated 21-11-2002 shall not be applicable while granting such extensions.

Yours faithfully,


(Dr. Rakesh Sharma)
Joint Director (Admn.)

Copy to :-

❖ The Principals of all JNVs

Attested
Sharma

-28-

OFFICE OF THE PRINCIPAL
JAWAHAR NAVODAYA VIDYALAYA: RAVANGLA: SOUTH SIKKIM (SIKKIM)

Ref. No. F.1-3/JNVR (S)/2003-2004/ESL /

Dated. 11-08-2003

To,

Shri Bal Bahadur Tamang.
Cook,
JNV Ravangla
South Sikkim (Sikkim)

Sub:-

Extention of contractual appointment - regarding.

Sir,

This is to inform you that as per your agreement made between you and Principal, Jawahar Navodaya Vidyalaya, Ravangla, South Sikkim, your services to the post of Cook are liable to complet one year on 04-08-2003. In this reference you are hereby instructed to present your self at the Office of the Principal, Jawahar Navodaya Vidyalaya, Ravangla, South Sikkim on 12-08-2003 for re-agreement. It may be clarified to you that this offer is purely on contract and you will be abide by the terms and conditions as laid down in the agreement.

Thanking you.

Bhatt
(P.C.BHATT)
I/C PRINCIPAL
Principal
Jawahar Navodaya Vidyalaya
Ravangla, South Sikkim
(Sikkim)

Attested
Bhuyan

TEN RUPEES



दश रुपया

CONTRACT AGREEMENT

This agreement is made on this Tuesday day of 12th August 2003 between Mr/Mrs/Miss Pratik Ranjan (herein after referred to as contract Pratik) as the first party.

AND

The Principal, Jawahar Navodaya Vidyalaya, Ravangla, District South Sikkim, State Sikkim (here in after referred to as Principal) as the Second party.

Where as the Principal has engaged with effect from the Tuesday day of 12th August 03 the contract Pratik to serve the Vidyalaya against a vacant post of Grade II above the remuneration and upon the terms and conditions given below.

NOW WHERE OF BOTH THE PARTIES AGREE AS UNDER

01. This contract will be for a period of one year (which can be extended year to year basis by the Principal JNV Ravangla, South Sikkim on merit of performance from the date of engagement of the contract Pratik as aforesaid.

This contract will automatically stand terminated unless extended before the date of expiry and in no case will it be extended otherwise.

02. The competent authority reserves the right to terminate your service any time within the period of contract if in any case your service or your demeanour is considered not satisfactory and other terms and conditions will be governed by the rules in force in the Samiti from time to time.

03. The contract Pratik will have to perform the duties in Navodaya Vidyalaya as per with regular non-teaching staff and as per the directions given by the Principal.

04. The contract Pratik will receive a consolidated remuneration of Rs. 2000/- (Rupees Two thousand only) per month during the currency of the contract or any extension thereafter. The contract Pratik is also ineligible for remuneration during the vacation as the post is coming under vacation staff category.

Attested
Ranjan

05. The Contract Pook will employ herself efficiently and diligently and will devote his whole time to the duties of the service and will not engage directly or in-directly in anyb trade,business or occupation on his own account.

06. The contract Pook is not entitled for anyb leave during the currency of the contract. He/She will be go leave by normal vidyalaya holidays during the contract period.

07. At the termination of the contract, the contract Pook is not entitled for any benefits from the Principal or from the NVS.

08. Not withstanding any thing in the contract the Principal may terminate the service of the contract Pook before the expiry of the said period or during the extended period if

- a) His/her work is found unsatisfactory.
- b) If his conduct is found to be unbecoming of a Govt. Servant unsuitable for a co-educational residential institution.

IN WITNESS WHERE OF THE parties here in to put their hand this agreement on the day, month and year here in above mentioned in the presence of witness:

Witness Prakash Bhattacharya 1. Contract employee

1. Y.S. SINGH 1 2. P.C. BHATT

2. K.P. WILTEC 1 3. PRINCIPAL

CTGIT NEPAL 1 Principal
Jawahar Navodaya Vidyalaya
Ravangla, South Sikkim
(Sikkim)

Attested
B. Bhattacharya

- 28 -

Annexure - I

OFFICE OF THE PRINCIPAL
JAWAHAR NAVODAYA VIDYALAYA: RAVANGLA: SOUTH SIKKIM (SIKKIM)

Ref. No. F.I-3/JNVR (S)/2003-2004/ESIL /

Dated. 11-08-2004

To,

Mrs. Deo Maya Chettri,
Mess Helper,
JNV Ravangla,
South Sikkim (Sikkim)

Sub:- Extension of contractual appointment - regarding.

Sir,

This is to inform you that as per your agreement made between you and Principal, Jawahar Navodaya Vidyalaya, Ravangla, South Sikkim, your services to the post of Mess Helper are liable to complete one year on 11-08-2004. In this reference you are hereby instructed to present yourself at the Office of the Principal, Jawahar Navodaya Vidyalaya, Ravangla, South Sikkim on 12-08-2004 for re-agreement. It may be clarified to you that this offer is purely on contract and you will be abide by the terms and conditions as laid down in the agreement.

Thanking you.

(DRAMAK NATH RAI)

PRINCIPAL

Principal

Jawahar Navodaya Vidyalaya

Ravangla, South Sikkim

(Sikkim)

Attested
Bhupen

TEN RUPEES



CONTRACT AGREEMENT

This agreement is made on this Thursday day of 12th August - 81, between Mr/Mrs/Miss Deb Maya Walker (here in after referred to as contract Miss Walker) as the first party.

AND

The Principal, Jawahar Navodaya Vidyalaya, Revangla, District South Sikkim, State Sikkim (here in after referred to as Principal) as the Second party.

Where as the Principal has engaged with effect from the Thursday day of 12th August - 81 the contract Miss Walker to serve the Vidyalaya against a vacant post of Class Teacher and Rs. 1500/- above the remuneration and upon the terms and conditions given below.

NOW WHERE OF BOTH THE PARTIES AGREE AS UNDER

01. This contract will be for a period of one year (which can be extended year to year basis by the Principal JNV Revangla, South Sikkim on merit of performance from the date of engagement of the contract Miss Walker as aforesaid.

This contract will automatically stand terminated unless extended before the date of expiry and in no case will it be extended otherwise.

02. The competent authority reserves the right to terminate your service any time within the period of contract if in any case your service or your demeanour is considered not satisfactory and other terms and conditions will be governed by the rules in force in the Samiti from time to time.

03. The contract Miss Walker will have to perform the duties in Navodaya Vidyalaya as per with regular non-teaching staff and as per the direction given by the Principal.

04. The contract Miss Walker will receive a consolidated remuneration of Rs. 2500/- (Rupees Two Thousand Only) per month during the currency of the contract or any extension thereafter. The contract Miss Walker is also ineligible for remuneration during the vacation as the post is coming under vacation staff category.

Attested
R. Bhagwan

-27-

05. The Contract Miss Helper will employ herself efficiently and diligently and will devote his whole time to the duties of the service and will not engage directly or in-directly in any trade, business or occupation on his own account.

06. The contract Miss Helper is not entitled for any leave during the currency of the contract. He/She will be go leave by normal vidyalaya holidays during the contract period.

07. At the termination of the contract, the contract Miss Helper is not entitled for any benefits from the Principal or from the NVS.

08. Not withstanding any thing in the contract the Principal may terminate the service of the contract Miss Helper before the expiry of the said period or during the extended period if

- a) His/her work is found unsatisfactory.
- b) If his conduct is found to be unbecoming of a Govt. Servant unsuitable for a co-educational residential institution.

IN WITNESS WHERE OF THE parties here in to put their hand this agreement on the day, month and year here in above mentioned in the presence of witness.

Witness

1. Y. SINGH SI
(TGT-MATH)

2. K. D. GUPTA KD
(TGT-NEPAL)

Retired
Contract employee

2. PRINCIPAL

Principal
Nayadeya Vidyalaya
Rayangla, South Sikkim
(Sikkim)

Attested



नवोदय विद्यालय समिति
शिलांग
मानव संसाधन प्रकाश संग्रहालय
(मिलित विभाग)

Regional Office
NAVODAYA VIDYALAYA SAMITI
SHILLONG
Ministry of Human Resource Development
(Dept. of education)

Ref. No. F.2-36/2002-NVS(SHR)/PORS/

Date 21.7.2004.

To. 5

The Principals
All Jawahar Navodaya Vidyalayas
Under Shillong Region.

Sub: Appointment of Group D, ECP & LDC etc.

Sir.

S.pn. of Receiving Ctr/B

It is found from a few proposals of appointment submitted by you that instructions were either not understood or followed. Hence the following guidelines with Roster point for your vidyalaya are issued for your convenience.

1) While all Gr.D, LDC/Store Keeper are to be appointed on regular basis the ECP is to be appointed on Contract basis with Rs.3050/- + D.A. C.m. Matron need not be requisitioned from Employment Exchange. LDC & Store Keeper belong to same cadre & if there are two vacancies only one requisition & one panel needs to be prepared. Incase of vacancy of cook all JNVs are to be notified to communicate to the eligible Mess Helpers to attend interview. Samiti's recruitment rules issued on 29th Dec'99 and Order dated 29.3.2004 and dated 2.5.03 are to be followed.

2) a) Employment Exchange is to be notified the vacancy in the proforma at Annex - I stating whether it is Temporary/Contract & whether it is reserved for SC/ST/OBC/UR.

b) After receipt of requisition Trade Test for LDC/Store Keeper, Lab-Attendant & ECP is to be conducted in nearest Govt. ITI. The marks communicated by ITI is not to be considered for merit, but only qualified/passed candidates in Trade Test are to be considered for appointment. No interview to be conducted for these categories. The Merit List is to be prepared in the Proforma at Annex - II.

C) Appointment Committee consists the following members :

i) Principal/I/C Principal of the JNV concerned	- Chairman
ii) DEO/DIO or equivalent	- Member
iii) Principal/I/C Principal of the JNV nominated by R.O.	- Member
iv) Local Educationist	- Member
v) SC/ST/Minority if not covered by i - iv	- Member
vi) Subject Expert for Cook, Mess Helper, Sweeper	- Member
vii) Any other member nominated by R.O.	- Member

d) Interview to be conducted for Cook & Gr.D other than Lab-Attendant. I/C Cluster should be consulted with before interview.

e) Merit list, Panel to be signed by DPC Members.

g) Proposal to be sent to R.O. with Check List attached at Annexure - III.

contd... 2/.

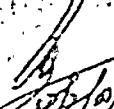
Attested

3) Your proposal should contain copies of

- a) Your forwarding letter
- b) Your checklist (post wise) Annex-IV
- c) Notification of Vacancy (Rule 4)
- d) List supplied by Employment Exchange
- e) Requisition/Request for Trade Test
- f) Result of Trade Test provided by ITI
- g) Bio-data of all candidates in prescribed form, Annex-IV
- h) Merit list in Annex - II or Interview score sheets for post in 2 (d)
- i) Marks for minimum qualification & one higher Exam.
- j) Caste certificate, if any.
- k) Minutes of DFC containing final merit list.

It is assured that approval will be communicated to you within 2 weeks of receipt of the proposal. Feel free to talk to R.O. in case of doubt or difficulty.

Yours faithfully,


(K. C. DAS)
ASSTT. DIRECTOR (PERS).

Attested
Singer

लोकीय विद्यालय समिति
नवोदय विद्यालय समिति
शिल्पांग
जागरूक संसाधन विकास भवित्व
(सिल्पा किंग)



Regional Office

NAVODAYA VIDYALAYA SAMITI

SHILLONG

Ministry of Human Resource Development

(Dept. of Education)

Date 25.10.04

Ref. No. F.2-16/2003/NVS(SHR)/Pers/

To,

The Principals
Jawahar Navodaya Vidyalayas
in Shillong Region.

Sub:- Appointment at Vidyalaya level/Daily wage appointment

Sir,

1. This office has already issued Roster point and clearance for appointment to various posts at Vidyalaya level since July 2004. However till to-day a few cases have been received in R.O. for approval. It is felt that Principals are facing problem in appointing staff in these categories. Hence the Principals are requested to submit the proforma I as on 20.11.04 and after that date no initiation for appointment to be started by Principal without prior permission of R.O.

2. It is also seen that many daily-wage employees are working in JNVs for a long period. The Principals are to submit details of all such employees as on 20.11.04 in proforma II in order to enable R.O. to maintain their records. In future in case of appointment of any daily-wage employees the details with justification is to be submitted to R.O. It is needless to mention that no daily-wage employee should be appointed for more than 239 days in a year against sanctioned post.

Both these proformes are to be brought by the Principals when they are coming for Principals' Conference to be held in Nov'04.

This issues with direction of Deputy Director.

Yours faithfully,

Attested
R. S. DAS
(K. S. DAS)
ASSTT. DIRECTOR (PERS).

① 03595-280549

दूरमाल : ०३५९५-२८०५४९
जवाहर नवोदय विद्यालय

(मानव संराधन विकास मंत्रालय
 मारत सरकार, शिक्षा विभाग)

राबांगला

जिला : दिल्ली रिक्षिम

पिन - ७३७९३९

(सिक्किम)

F. 1-2/JNVR(S)/2004-2005/Estd/ ६२३

**Jawahar Navodaya Vidyalaya**(Ministry of Human Resource Development
 Govt. of India, Deptt. of Education)**RAVANGLA**

Dist. SOUTH SIKKIM

PIN - 737139

(SIKKIM)

Dated:- 22/11/2004

To

The Assistant Director, (Pers),
 Navodaya Vidyalaya Samiti,
 Regional Office,
 Nongrim Hills,
 Shillong.

Sub:- Rectification in Roster for Various Vacancies regarding

Ref:- Your office letter No. F. 2-36/2002-NVS (SHR)/Pers dated 27/07/2004.

Sir,

With reference to the subject cited above, I would like to invite your kind attention toward the letter mentioned under reference in which the following Vacancies are reserved as following.

- 01. LDC-OBC
- 02. Cook- U.R
- 03. Chowkidar-OBC
- 04. Sweeper Cum Chowkidar-SC
- 05. Mess Helper-OBC

In this reference, I would like to inform your honour that some employees have been working in JNV, Ravangla, South Sikkim on Contract w.e.f. 02/08/2001 to till date (Contract extended year to year basis) and these employees do not fall under the quota reserved against each vacancy.

Therefore you are requested to make rectification in the present Roster as follows:-

- ✓01. LDC-U.R
- 02. Cook-ST
- 03. Chowkidar-SC
- ✓04. Sweeper Cum Chowkidar-OBC
- 05. Mess Helper-Clean

You are therefore requested to initiate the action at an earliest so the process of appointment may be done.

Thanking you,
 (Dr. Kanta Nath Rai)

Yours faithfully,

(Dr. Kanta Nath Rai)
 Principal
 Jawahar Navodaya Vidyalaya
 Ravangla, South Sikkim
 (Sikkim)

Attested
 (Signature)

P. 1-2/NVR (SY/2004-2005/Acad) 665-66

Dated. - 10/12/2004.

To

The Employment Officer,
Employment Exchange,
Distt. - Nanchi.

Sub:- Requisition of the Lists of suitable and eligible Candidates for regular appointment.

Sir, With reference to the subject cited above, I would like to inform you that the following Posts are to be filled in Jawahar Navodaya Vidyalaya, Ravangla on regular basis:-

- 01. Cook :- ST
- 02. Mess Helper :- U/R
- 03. Chowkidar :- SC
- 04. Chowkidar Cum Sweeper :- OBC

The reservation roster is given against each post. Other details regarding the posts are given in 'Notification of Vacancies Form' Rule 4 (Annexure-I)

You are therefore requested to please send the names of the suitable and eligible candidates by 27.12.2004.

Thanking you.

Yours faithfully,

(Dr. Anir Nath Rai).

1/12/04

Jawahar Navodaya Vidyalaya
Ravangla, South Sikkim
Sikkim

Copy to:- The Employment Cell, Sub-Divisional Office, Ravangla, South Sikkim.

Principal
Jawahar Navodaya Vidyalaya
Ravangla, South Sikkim
(Sikkim)

Attested
Bhupen

OFFICE OF THE DISTRICT COLLECTOR
GOVERNMENT OF SIKKIM
SOUTH DISTRICT
NAMCHI

REF. NO. 1370 /DC(S)

DATE: 31.12.2004

To

Dr. Amar Nath Rai
Principal
Jawaharlal Navodaya Vidyalaya
Ravangla, South Sikkim.

Please refer to my letter no. 1342/DC(S) dated 21.12.2004. In this regard this is to inform you that a complaint has been received by the undersigned. Hence the list submitted earlier stands cancelled. Thorough verification in this regard is going on and the fresh list shall be forwarded to you by 7th of January 2005.

Vijay
District Collector
South District, Namchi.
Chairman, JNV

*Attested
Chirayu*

A. Maulik
ADVOCATE
LAL MARKET
GANGTOK - 737101

Ref. No. Leg/Noti/Am/ken/25/05

Ph. 222910(R), 222463(C)
Mobile : 94340-22910
Slg. Ph. 2593501

Date 25/1/05

REGISTERED WITH A.D.

To,

1. The Principal
Jawahar Navodaya Vidyalaya,
Ravangla, P.O. Ravangla,
South Sikkim .
2. The Commissioner
Navodaya Vidyalaya Samiti,
ADM, Block, I.P. Estate, I.G. Stadium
New Delhi-110002.
3. The Deputy Director
Navodaya Vidyalaya Samiti,
Regional Office, Norgrim Hills,
Shillong.

My Clients :-

1. Bal Bahadur Tamang (Cook)
Jawahar Navodaya Vidyalaya,
Ravangla, South Sikkim
2. Ramesh Kr. Das (Chowkidar)
Jawahar Navodaya Vidyalaya,
Ravangla, South Sikkim
3. Vijay Thakur (Sweeper)
Jawahar Navodaya Vidyalaya,
Ravangla, South Sikkim
4. Mrs. Deo Maya Chettri
(Mess Helper)
Jawahar Navodaya Vidyalaya,
Ravangla, South Sikkim.

Attested
A. Maulik

Copy

Received Copy
Dated 25/1/05
A. Maulik

A. Moulik
ADVOCATE
LAL MARKET
GANGTOK - 737101

-25-

2

Ph. 222910(R), 222463(C)
Mobile : 94340-22910
Slg. Ph. 2593501

Ref. No. Date.....

Dear Sir(s),

Under the instructions of my clients named above I beg to inform you and state as follows:-

1. That Navodaya Vidayala Samiti represented by you all is a Central Govt. autonomous body wholly owned and controls by the Central Govt. and my clients named above are the employees working in the respective posts stated herein above since the opening of the school in the State of Sikkim at Ravanlga initially on part time basis since the beginning of the year-2001 and ultimately on contract basis since the month of July 2001.
2. That the contract services of my clients stood renewed from time to time without any break in service till today and therefore they deserve to be regularized in the respective posts.
3. That my clients named above are the locals having their names enlisted in the local employment exchange and their names were forwarded to you by the employment exchange for regularization of their services.
4. That in order to accommodate my clients in the regular establishments the roster points were also re-scheduled at the instance of the higher authorities of the samiti but so far my clients services have not been regularized.
5. That vide letter, dated-25-10-2004 it was desired by the samiti that employees appointed more than 239 days in a year against sanctioned post shall be regularized, Stated that posts held by my clients are the sanctioned posts.
6. That inspite of receiving the name of my clients from the employment exchange you have denied their regularization and on the other hand my clients have information that you are trying to select and appoint some new persons of your choice in the name of filling up vacancies in the regular establishments.

*Attested
Bhupen*



 Moulik
ADVOCATE
LAL MARKET
GANGTOK - 737101

Ph. 222910(R), 222463(C)
Mobile : 94340-22910
Sig. Ph. 2593501

Ref. No.

Date.....

7. That my clients possess necessary qualification, merit and seniority in service as such they are entitled to be regularized in their respective posts and their such rights cannot be denied on any plea whatsoever.
8. That my clients have already made several representations for regularization of their services in the respective posts held by them. Initially though they were assured of regularization but finally the same has been declined.

Under the circumstances, notice is hereby issued to you requesting and requiring you to kindly act according to law and hence do regularize the services of my clients in their respective posts within a reasonable time preferably seven (7) days failing which a case shall be filed in the appropriate court of law after expiry of seven days from the date of receipt of this notice by you at your own risk and cost. In that event it will be deemed that justice as demanded has been refused duly permitting my clients to move appropriate Court of law.

Thanking you,

Yours faithfully,

(A.MOULIK)
Advocate

*Attested
Subroto*

