

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDL.)

ORDER SHEET

1. Original Application No. 115/07

2. Miscellaneous Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(s) Gantam Girei vs Union of India & Ors

Advocate for the Applicant(s) Ashok Roy, J.P. Das

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

Notes of the Registry _____ Date _____ Order of the Tribunal _____

15.5.2007

This application is in form
is filed/C.F. for Rs. 50/-
deposited vide IPO/BB
No. 346653263
Dated 3.5.07

[Signature]
Dy. Registrar

[Signature] sd/-
Petitioner's Grievance for
non-receipts are
received with envelopes.

[Signature]
14/5/07

The claim of the applicant that he had filed earlier O.A.142/04. By order dated 1.8.06 this Tribunal directed the respondents to consider the 'claim of the applicant to the post of Vice Principal. He has already retired from service since 31.10.06. In August 2006 he was promoted as Vice Principal as per direction of this Tribunal. Now his grievance is that after his retirement also his promotion to the post of Principal could have been considered on notional basis. He has also filed representation to that effect. The respondents has given reply to the same, wherein it is stated that he has not worked as Vice Principal for at least one year and therefore his case could not be considered. The averment of the applicant and his counsel is that he should have been promoted much earlier

at least notionally considering his service for 3 years
as Vice Principal as officiating basis.
Learned counsel for the respondents wanted
to take instruction.

Post the matter on 27.6.07 for
admission.

Vice-Chairman

Received Copy
M.K. Majumdar
Advocate
18.05.07

/pg/

27.6.2007

None for the Respondents. Let the
case be posted after three weeks.
Respondents are at liberty to file reply
statement, if any.

Post on 16.7.2007.

Vice-Chairman

For compliance.

/bb/

17.7.2007

Issue notice to the Respondents. Post
the case on 3.8.2007.

Vice-Chairman

/bb/

3.8.2007

Post on 27.8.2007.

Vice-Chairman

Notice & order sent
to D/Section for
issuing to resp.
nos. 1, 2 & 3 by
regd A/D post.

/bb/

2.8.07

Service report awaited.

Service report
awaited.

24.8.07.

0.A.115/07 -3-

27.8.07.

Counsel for the respondents

has some personal difficulty and he prays for adjournment to file written statement.

Let it be done. Post the matter on 28.9.07

Vice-Chairman

lm

W/s not filed.

28.9.07.

Ms. Tanushree Das, Advocate, on behalf of the applicant and Mr. M.K. Mazumdar, learned Standing Counsel for the Kendriya Vidyalaya Sangathan are present. No reply has been filed in this case as yet. However, one more chance is granted to the Respondents to put up their reply/Written Statement.

Call this matter on 17th November, expecting reply from all the respondents.

Send copies of this order to the Respondents in the address given in the Original Application.

Call this matter on 7.11.07.

(Khusiram)
Member(A)

Manoranjan Mahanty
(Vice-Chairman)

lm

21.28.9.07.

Pl. comply.

order dt. 28/9/07 Sent 07.11.2007
to D/Section for issuing
to R-1 to 3 by post.

None appears for the Applicant. On request, Mr. M.K. Mazumdar, learned Standing counsel for the KVS is granted further three weeks time to file reply statement.

Call the matter on 29.11.2007.

Member (A)

W/s not filed.

6.11.07.

W/s not filed.

/bb/

28.11.07.

CA. 115/07

29.11.2007

Mr.M.K.Mazumdar, learned Standing counsel for the KVS has filed vakalatnama and a copy of the authorization letter from the Department. He has also filed written statement in the Court today after serving a copy on Ms.M.Ghosh, learned counsel for the Applicant. Learned counsel for the Applicant requests for three weeks time to file rejoinder. Prayer is allowed.

Call this matter on 18.12.2007 for filing of rejoinder.

(Khushiram),
Member (A)

/bb/

18.12.07

None appears for the applicant nor the applicant is present. None appears for the Respondents also. It appears that Respondents have filed a written statement in this case without serving a copy thereon on the applicant's side.

Call this matter on 17.01.2008 for consideration of this case for admission. The Respondents should supply a copy of the written statement to the applicant/counsel for the applicant well before 17.01.2007; failing which the case shall proceed ex-parte by ignoring the written statement, which has been filed by the Respondents without serving a copy thereof on the applicant.

30.11.07

W/s filed by the

Respondents. Copy

not served.

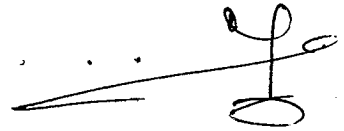
Don't

Rejoinders not
filed.

17.12.07.

18.12.07

Send copies of this order to the Applicant and to the Respondents in the address given in the Original Application.



(M. R. Mohanty)
Vice-Chairman

PG

17.01.2008

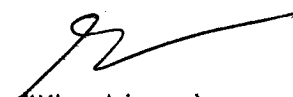
In this case, written statement has already been filed. A copy of the written statement has already been served on the Advocate appearing for the Applicant; who is absent today. Mr. M.K. Mazumdar, learned Standing counsel for the KVS is present.

Subject to legal pleas to be examined at the final hearing, this case is admitted and set for hearing to 15.02.2008.


Rejoinder, if any, may be filed by the Applicant by 8th of February, 2008.

Call this matter on 15.02.2008 for hearing.

Send copies of this order to the Applicant and all the Respondents in the addresses given in the O.A.



(Khushiram)
Member (A)



(M. R. Mohanty)
Vice-Chairman


/bb/

15.02.2008

On the prayer of Mr M.K. Mazumdar, learned counsel for the Respondents the case is adjourned to 26.03.2008.



(Khushiram)
Member(A)



(M. R. Mohanty)
Vice-Chairman

Dt. 18.12.07
Pl. send copies of the order to Applicant and to the respondents
24/12/07

Order dt. 18/12/07 sent to D/Section for issuing to applicant and to the respondents by post.

Case
24/12/07 - Dt. 28/12/07
D/NO - 1958 to 1961

W/s filed.

16.1.08.

Rejoinder ^{not} filed.

Dt. 17.1.08.
Pl. send copies of this order to the Applicant & all Respondents.



Order dt. 17/01/08 Sent to D/Section for issuing to applicant and also respondent nos. 1 to 3 by post.

Case
18/1/08. D/NO - 287 to 290
Dt. 22/1/08.

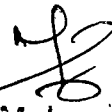
-10- O.A. 115/07

V

26.03.2008

Call this matter on 16.05.2008 for hearing.

Rejoinder filed on behalf of the applicants.


(M.R. Mohanty)
Vice-Chairman

20/12/08

lm

16.05.2008

None appears for the Applicant nor the Applicant is present. However, Mr M.K. Mazumder, learned Counsel appearing for KVS, is present. In order to give one more chance to the Applicant, call this matter on 30.06.2008.

The case is ready for hearing.

25/3/08

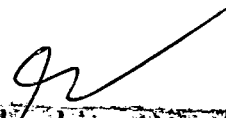
The case is ready

15/5/08

Send copies of this order to the Applicant in the address given in the O.A. so that he can come ready for hearing on the next date.

01.16.5.08

Pl. send copies of this order to the Applicant


(Khushiram)
Member (A)



(M.R. Mohanty)
Vice-Chairman

nkm

Order dt. 16/5/08 30.06.2008

Call this matter on 04.07.2008 for hearing.

Send to D/Section for issuing to the applicant by post.


(M.R. Mohanty)
Vice-Chairman

30/5/08 D/No-2626
Dt- 3/6/08.

nkm

4-7-08

Reply to rejoinder filed by

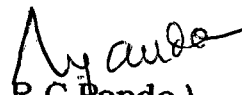
04.07.08

None appears for the Applicant nor the Applicant is present. None also present on behalf of the Kendriya Vidyalaya Sangathan. On 16.05.2008 also none appeared for the Applicant.

In the aforesaid premises this O.A is dismissed for default.

Send copy of this order to the Applicant in the address given in the verification page and to the respondents in the address given in the

O.A.


(R.C. Panda)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

15.7.08

Copy of the order
dated 4.7.08 sent to
the office for
being sent to
the applicant at the
address given in the
verification and to
the respondents.

yfb

order dated 4.7.08
issued to the parties
vide S.No. 3/21 to
3/24 dt. 18.7.08.

25/7/08


674 115107 = 8 =

10.09.2008

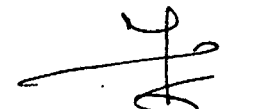
In view of the order passed in M.P.No.102 of 2008 allowing the same, the O.A.No.115 of 2007 is restored to file.

Call this matter on 07.11.2008 for hearing.

The case is ready for hearing in regard of W/S and rejoinder filed by the parties.



(Khushiram)
Member(A)

lm



(M.R. Mohanty)
Vice-Chairman

07.11.2008

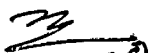
On the request of Mr.A.K.Roy, learned counsel appearing for the Applicant, call this matter on 08.12.2008.


(S.N. Shukla)
Member (A)

/bb/


(M.R. Mohanty)
Vice-Chairman


The case is ready for hearing.


5.12.08

08.12.2008


Ms. T. Das, Advocate, is present on behalf of Mr.A.K.Roy, learned counsel for the Applicant. Mr. M.K. Majumdar, learned counsel for the KVS is present.

Call this matter on 19.01.2009.


(S.N. Shukla)
Member(A)

lm

The case is ready for hearing.


19.2.09.

19.1.09 Bench is not available.
List on 20.2.09.


CO.

O.A. 115/2007

The case is ready
for hearing.

23
20.3.09

20.02.2009 None appears for the
Applicant. However, Mr. N.K. Mazumdar,
learned counsel for the
K.V.S./Respondents is present.

Call this matter on 23.03.2009.

(M.R. Mohanty)
Vice-Chairman

pb

23.03.2009 For the reasons recorded separately, this
O.A. stands dismissed.

24.3.09

Copy of the order
sent to the D/Sec.
for issue the
same to the Applicant
as well as to the
Respondents and to the
parties.
H.S.
24/3/09

/bb/

(Khushiram)
Member (A)

(A.K. Gaur)
Member (J)

Copy received
D/Secy
2/4/09

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.115 of 2007

DATE OF DECISION: 23.03.2009

Shri Gautam Giri

.....Applicant/s.

Mr.A.K.Roy

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Mr.M.K.Mazumdar, Standing counsel for K.V.S.

..... Advocate for the
Respondents

CORAM

THE HON'BLE MR.A.K.GAUR, JUDICIAL MEMBER

THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

4. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes/No
5. Whether to be referred to the Reporter or not? Yes/No
6. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Judgment delivered by


Judicial Member

12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.115 of 2007

Date of Order : This, the 23rd day of March, 2009.

THE HON'BLE MR. A.K.GAUR, JUDICIAL MEMBER
THE HON'BLE MR. KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Gautam Giri
Principal, Grade II (since retired)
Kendriya Vidyalaya
Gulmarg (Jammu and Kashmir).

..... Applicant.

Advocates for the Applicant: Mr.A.K.Roy & Mr.J.P.Das.

- Versus -

1. Union of India
represented through the
Secretary, Ministry of Human
Resources Development
Shastri Bhawan
New Delhi – 110 001.
2. Kendriya Vidyalaya Sangathan
represented by the Commissioner
18- Institutional Area
Shaheed Jit Marg
New Delhi – 110 016.
3. Dy. Commissioner (Admn)
Kendriya Vidyalaya Sangathan
18 – Institutional Area
Shaheed Jit Marg
New Delhi – 110 016.

.... Respondents

Advocates for the Respondents: Mr.M.K.Mazumdar, standing counsel KVS

ORDER (ORAL)

A.K.GAUR, MEMBER (J) :

We have heard Mr.A.K.Roy, learned counsel for the Applicant
and Mr.M.K.Mazumdar, learned Standing counsel for the Kendriya Vidyalaya
Sangathan.

✓

2. It is seen from the records that the Applicant has earlier filed O.A. No.142/2004. In the said O.A. it was claimed by the Applicant that he is a post graduate teacher working in Kendriya Vidyayala, Manipur. He fulfills all the terms and conditions for promotion to the post of Vice-Principal as per amended rules for recruitment of Vice-Principal. The Applicant filed the said O.A. seeking relief in the following manner:-

"It is, therefore, prayed that Your Lordship would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the impugned order dated 3.3.2004 (Annexure-VII) so far as it related to promoting the post graduate Teachers junior to the applicant to the post of Vice-Principal superceding the claim of the applicant should not be set aside and as to why a direction should not be issued to promote the applicant to the post of Vice-Principal and after perusing the cause shown, if any, and hearing the parties set aside the impugned order as prayed for and direct that the applicant be promoted to the post of Vice-Principal from the date his juniors were so promoted and or pass such order/orders as Your Lordships may deem fit and proper."

3. The said O.A. was finally disposed of by this Tribunal vide order dated 01.08.2006. The operative portion of the order passed by this Tribunal in paragraph 4 is reproduced herein below:-

"4. We are of the considered view that the reason of censure to be considered for declaring the applicant as unfit is illegal and for that reason denying of promotion to the applicant is not justified and therefore, we set aside the finding of the Committee that the applicant is unfit and declare that the applicant is entitled to be promoted as Vice Principal. However, since he has not actually taken charge as Vice-Principal and discharging the duties of the Vice Principal till now he will be entitled for the notional benefit. In the facts and circumstances he is entitled to get promotion as Vice Principal from the date the other candidates are promoted (notionally). We also direct the respondents to promote the applicant as Vice Principal forthwith since he is retiring in the month of October 2006."

✓

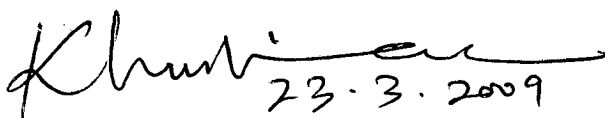
4. According to the Applicant, in pursuance of the directions of this Tribunal, the Respondents vide their order dated 28.08.2006 promoted the Applicant as Vice-Principal w.e.f. 25.06.2004 but they did not give promotion to the Applicant w.e.f. 03.03.2004, the date on which his juniors were promoted. The grievance of the Applicant is that in the meantime the persons who were promoted to the post of Vice-Principal during the year 2003-2004 got another promotion to the post of Principal during the year 2004-2005. Had the authorities duly considered his case in due time he must have been promoted to the post of Principal during the year 2004-2005. But the Respondents promoted the Applicant to the post of Vice-Principal vide their order dated 28.08.2006. Being aggrieved, the Applicant preferred one representation dated 01.12.2006 staking his claim for promotion as Principal. It is also alleged by the Applicant that after the said representation dated 01.12.2006 the Deputy Commissioner vide letter dated 21.12.2006 informed that as the Applicant did not work as Vice-Principal for at least one year, he was not eligible to be considered for promotion as Principal.

5. Denying the pleas taken by the Applicant in O.A. the Respondents have filed a detailed reply and submitted that the promotion in Kendriya Vidyalaya Sangathan is regulated in terms of KVS (Appointment, Promotion and Seniority) etc. Rules, 1971. Guwahati Bench of the Tribunal has already passed the order dated 01.08.2006, in pursuance of which, the Applicant has been promoted as Vice-Principal. However, since the Applicant has not actually taken charge as Vice-Principal and discharged the duties of Vice-Principal till now, he will be entitled to notional benefits. The Applicant has actually not functioned on the post of Vice-Principal. The Applicant joined as Vice-Principal on promotion on 04.09.2006. As per Recruitment Rules 30.1/3% post of Principal are filled by promotion on the

principle of merit with due regard to seniority from amongst Vice-Principal/Principal Grade-II who have rendered a minimum of five years in Kendriya Vidyalayas of which at least one year should be in the grade of Vice-Principal. Since the Applicant had not worked as Vice-Principal for at least one year, he was not eligible to be considered for promotion as Principal.

6. Having given our anxious thoughts to the pleas advanced by the parties' counsel we are of the view that since the Applicant has not worked as Vice-Principal for at least one year, he is not eligible for promotion as Principal. We have also considered the question raised by the Applicant that many juniors who had less than one year experience as Vice-Principal were considered for promotion as Principal, but there is not an iota of evidence to show that any regular Vice-Principal/Principal Grade-II having less than one year experience were considered for promotion as Principal. In our considered view, the Applicant has utterly failed to make out a case warranting interference of this Tribunal.

7. The O.A. is accordingly, dismissed. No costs.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(A.K. GAUR)
JUDICIAL MEMBER

/BB/

9 MAY 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunal Act' 1985)

O.A. No. 115 /2007

Shri Gautam GiriApplicant

- Versus -

Union of India & OthersRespondents

LIST OF DATES

Date	Particulars	Para	Annex	Page
22/10/1982	Appointed as Post Graduate Teacher (PGT - Geography) on regular basis.	4(i)		2
April 1993 to November 1994	Worked as Principal for 2 (Two) years on deputation at K.V. Karimganj.	4(x)		5-6
10/12/2002	The applicant's name was forwarded to the Assistant Commissioner K.V.S, Silchar by the Principal for promotion to the post of Vice - Principal vide Letter No.F-2-1/KVJ/2002-2003/712	4(ii)		2-3
03/03/2004	The respondents promoted 95(Ninety Five) PGT's as Vice - Principal vide Order No.F.7-8/2004-KVS (Estt - I).	4(ii)		2-3
During the year 2004 - 2005	Consideration for promotion of the applicant's juniors up to all India Seniority 2700 to the post of Vice - Principal and number of juniors was promoted.	4(iii)		3
01/08/2006	Order passed by this Hon'ble Tribunal in O.A. No. 142/2004 which entitled the applicant to get promotion as Vice - Principal on the date the other candidates are promoted.	4(iv)	A	3
28/08/2006	The respondents promoted him as Vice - Principal with effect from 25/06/2004 on notional basis and posted in Kendriya Vidyalaya, Gulmarg as Principal Grade - II.	4(v)	B	3-4
04/09/2006 to 31/10/2006	Worked as Principal Gr.II at K.V. Gulmarg for 2(Two) months.	4(x)		5-6
During the year 2005 - 2006	32(Thirty Two) Vice - Principals were promoted to the post of principal who are junior to the applicant.	4(vi)		4
01/12/2006	Representation stating in details about his claim and how he has been deprived from time to time in spite of his eligibility and seniority position.	4(vii)	C	4
21/12/2006	Vide Letter No. F.19-211(13)/2004-KVS(RPS), the Dy. Commissioner (Admn) informed him that he was not eligible for promotion as Principal as he did not work as Vice _ principal for at least 1(One) year.	4(viii)	D	4-5
22/02/2007	Representation against the letter dated 21/12/2006 stating that the said letter has been issued with malafide intention ignoring the order of this Hon'ble Tribunal.	4(ix)	E	5

15.06.2007 - Refd to the Applicant

Contd.....

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunal Act' 1985)

O.A. No. 115 /2007

Shri Gautam GiriApplicant

- Versus -

Union of IndiaRespondents

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Contd.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Filed by the applicant
Gautam Giri
through -
Ashok Kumar Jaiswal
Advocate
9/5/07

(An application under Section 19 of the Administrative Tribunal Act' 1985)

Original Application No. 115 /2007

- BETWEEN -

Shri Gautam Giri,
Principal, Grade II (Since Retired),
Kendriya Vidyalaya,
Gulmarg (Jammu and Kashmir)

.....Applicant

- Versus -

1. Union of India represented through the
Secretary, Ministry of Human
Resources Development,
Shastri Bhawan, New Delhi - 110001.
2. Kendriya Vidyalaya Sangathan,
represented by the Commissioner,
18 - Institutional Area,
Shaheed Jit Marg, New Delhi - 110016.
3. Dy. Commissioner (Admn),
Kendriya Vidyalaya Sangathan,
18 - Institutional Area,
Shaheed Jit Marg, New Delhi - 110016.

.....Respondents

Contd.....

Gautam Giri

1. PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS MADE: -

That this application is made against –

- (i) Letter under No. F.19-211(13)/2004-KVS(RPS) dated 21/12/2006 (ANNEXURE - D) through which the authority refused to promote notionally to the post of Principal.
- (ii) Non-giving the notional promotion to the post of Vice – Principal with effect from 03/03/2004 as per the direction of this Hon'ble Tribunal.

2. JURISDICTION OF THE TRIBUNAL: -

The applicant declares that the subject – matter of this application is within the jurisdiction of this Tribunal.

3. LIMITATION: -

That the applicant also declares that this application is filed within the time limit as prescribed under Section 21 of the Administrative Tribunal Act' 1985.

4. FACTS OF THE CASE: -

- (i) That the applicant was initially appointed as Post – Graduate Teacher (PGT – Geography) on regular basis on 22/10/1982 and subsequently appointed as Vice – Principal vide Order No. F.7-8/2004-KVS(Estt – I) dated 28/08/2006 with effect from 25/06/2004 on notional basis and posted in Kendriya Vidyalaya, Gulmarg as Principal Grade – II where from he retired on 31/10/2006. During this period that is, when he was Post – Graduate Teacher, he worked as Principal on deputation for one and half years-April 1993 – November 1994, and also In-Charge Principal for different spell which is counted for more than two years.
- (ii) That in the year 2002, when the applicant was working as PGT at Kendriya Vidyalaya, Silchar, the respondent initiated process of selection for promotion to the post of Vice – Principal during the period 2003 – 2004 and requested to furnish full particulars of PGT's up to all India Seniority No. 2500 in the proforma attached. Seniority No. of the

Contd.....

Ganesh Singh

applicant at that time was 2292. As the applicant fulfilled all the requirements for promotion to the post of Vice – Principal and his Serial No.2292, his name was forwarded by the Principal vide Letter No. F-2-1/KVS/2002–2003/712 dated 10/12/2002 to the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Silchar for onward transmission. But the applicant was not promoted to the post of Vice – Principal although the persons up to the Seniority No.2497 were promoted. Though applicant's seniority was 2292 and he was fully eligible for promotion, he was illegally deprived from promotion whereas his juniors were promoted during the year 2003 – 2004. The respondents vide Order No. F.7-8/2004–KVS(Estt – I) dated 03/03/2004 promoted as many as 95(Ninety Five) PGT's as Vice – Principal.

- (iii) That thereafter again for the year 2004 – 2005, his juniors up to all India Seniority 2700 were considered for promotion to the post of Vice – Principal and a number of juniors were promoted. But applicant was not considered very illegally and without following statutory provisions of law.
- (iv) That being aggrieved, the applicant approached this Hon'ble Tribunal by filing Original Application No. 142 of 2004 and this Hon'ble Tribunal, after hearing both the sides, disposed of the same by an order dated 01/08/2006 with observation that the applicant is entitled to get promotion as Vice – Principal on the date the other candidates are promoted (notionally) and thereby directed the respondents to promote the applicant as Vice – Principal forthwith.

Copy of the order dated 01/08/2006 passed
by this Hon'ble Tribunal is annexed
herewith as ANNEXURE – A.

- (v) That the applicant states that after the order of this Hon'ble Tribunal, the respondents vide their order dated 28/08/2006 promoted him as Vice – Principal with effect from 25/06/2004, but they did not give effect 03/03/2004 on which date his juniors were promoted. His juniors were promoted vide Order No. F.7-8/2004–KVS(Estt – I) dated 03/03/2004 and

Jeantun Gori

hence till date they failed to comply the order of this Hon'ble Tribunal. Hence, applicant is entitled to get promotion to the post of Vice – Principal for the year 2003 – 2004.

Copy of the Order dated 28/08/2006 is annexed herewith as ANNEXURE – B.

- (vi) That the applicant states that in the meantime the persons who were promoted to the post of Vice – Principal during the year 2003 – 2004, got another promotion to the post of Principal during the year 2004 – 2005. During this period 54(Fifty Four) number of Vice – Principal that is, from Seniority from 2294 to 3584 got their promotion to the post of Principal. Again during the year 2005 – 2006, 32(Thirty Two) Vice – Principals were promoted to the post of Principal who is junior to the applicant.
- (vii) That the applicant states that had the authority duly considered his case in due time, he could have promoted to the post of Principal during the year 2004 – 2005, and hence the respondents should promote the applicant notionally to the post of Principal during the years 2004 – 2005. But the respondents promoted him to the post of Vice – Principal vide their order dated 28/08/2006 with effect from 25/06/2004. Being aggrieved, the applicant preferred one representation dated 01/12/2006 stating his claim as Principal. In the said representation, the applicant stated in details about his claim and how he has been deprived from time to time, in spite of his eligibility and seniority position. Be it stated here that during the pendency of his earlier Original Application, all the promotion were made, and hence he also submitted several representations earlier which were specified in this representation.

Copy of the representation dated 01/12/2006 is annexed herewith as ANNEXURE – C.

- (viii) That the applicant states that after the said representation dated 01/12/2006, the Dy. Commissioner (Admn), vide Letter No. F.19-211(13)/2004 – KVS (RPS) dated 21/12/2006 informed that as he did not worked as Vice – Principal at least one year, he was not eligible to be considered for promotion as Principal.

Contd.....

Gautam Givi

Copy of the Letter dated 21/12/2006 is annexed herewith as ANNEXURE – D.

- (ix) That the applicant states that against the said letter dated 21/12/2006, he submitted one representation dated 22/02/2007 to the Dy. Commissioner (Admn), Kendriya Vidyalaya Sangathan stating that the said letter has been issued with malafide intention ignoring of the order of this Hon'ble Tribunal and reiterating that the contents of his earlier representations claiming that his promotion for Vice – Principal occurred due in the year 2003 – 2004 and for the post of Principal 2004 – 2005. It was also stated in the said representation that the 33 1/3rd % quota for the promotion to the post of Principal is not applicable in his case only. He also mentioned that his late promotion to the post of Vice – Principal is not his fault. But till date the respondents has not replied to the said representations. The applicant personally approached to the office of the Dy. Commissioner (Admn) and on enquiry he came to know that his case would not be considered at all.

Copy of the representation dated 22/02/2007 is annexed herewith as ANNEXURE – E.

- (x) That the petitioner states that there is no fault of his own, whether it is due to the fault of the respondents, he got the promotion lately after the order of this Hon'ble Tribunal. He also states that it is not fact that he has not worked one year in the post of Vice – Principal in as much as he worked in the higher post that is, as Principal for more than three years at different spell of times which may be highlighted as below –
- (a) Officiate as principal at K.V. Masimpur (Assam) for one and half year in different spells.
 - (b) Principal on deputation at K.V. Karimganj (Assam) for 2 years from April 1993 – November 1994.
 - (c) Principal on deputation at K.V. Tuli (Nagaland) for 6 months.
 - (d) Officiate as Principal at K.V. GCCRPF Manipur 6 months.
 - (e) Principal on deputation at JNV Chkitong Wokha Nagaland of NVS for 1 year.

Contd.....

Ganesh G. G.

(f) I/C Principal at K.V. Loktak (Manipur) for 6 months.

(g) Principal Gr.II at K.V. Gulmarg for 2 months w.e.f 04/09/2006 to 31/10/2006.

- (xi) That the petitioner submits that if he was promoted in due time to the post of Vice – Principal as well as Principal, he could have retired from service as Principal and accordingly his pensionary benefit would have much more than the present. He also states that there is no bar for the respondents to give the notional promotion to the post of Vice – Principal for the year 2003 – 2004 and as Principal for the year 2005 – 2006. The applicant also states that there are number of juniors who had less than one year experience were considered and promoted in the year 2004 – 2005 as Principal.

That being aggrieved with the attitude of the respondents the applicant approached this Hon'ble Court again filing this application on the following grounds –

5. GROUNDS: -

- (I) For that the actions of the respondents in depriving the applicant from the pensionary benefit as a post of Principal without any reason is bad in law and is liable to be quashed and set aside.
- (II) For that the authority while considering the case of the applicant did not make a fair assessment and the conclusion arrived at by taking into consideration extraneous matters not related to the performance of the applicant in his services and as such the impugned action is bad in law and is liable to be set aside.
- (III) For that the action of the authorities in promoting juniors to the applicant is violative of principle of equal opportunity and as such the same is bad in law and is liable to be set aside.
- (IV) For that the action of the authorities in replying to the applicant's representation dated 01/12/2006 is not proper as many juniors who had

Contd.....

Gamban Gini

promoted in the post of Vice – Principal/Principal having less work experiences than the applicant is bad in law and is liable to be set aside.

- (V) For that the action of the respondent is illegal, arbitrary and whimsical and hence is liable to be set aside and quashed.
- (VI) For that the action of the respondent is against all canons of law and natural justice.
- (VII) For that the action of the respondent is against the fair play of administrative of justice and is liable to be quashed.
- (VIII) For that the actions of the respondent are violative of Fundamental Rights of the applicant as has been guaranteed under Article 14, 16 and 21 of the Constitution of India.

6. DETAILS OF REMEDIES EXHAUSTED: -

That the applicant states that he has availed all the remedies as stated in paragraph 4 of the application but failed to get justice and hence there is no other alternative remedy available to him other than to approach this Hon'ble Tribunal by filing this application.

7. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT: -

The applicant further declares that he has not filed any application or writ petition or suit regarding this matter before any Court or any other bench of this Hon'ble Tribunal except as stated in paragraph 4 nor any such petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR: -

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

- (i) To set aside the Letter No. F.19-211(13)/2004 – KVS (RPS) dated 21/12/2006 sent by the Dy. Commissioner (Admn), Kendriya

Contd.....

Gaurav Gini

Vidyalaya Sangathan, 18 – Institutional Area, Shaheed Jit Singh Marg, New Delhi.

- (ii) To direct the respondents to promote the applicant notionally to the post of Vice – Principal with effect from for the 2003 – 2004 and then promote notionally to the post of Principal with effect from for the year 2004 – 2005 that is, the year on which his juniors were promoted and accordingly fix the pensionary benefits.
- (iii) To pass any other order or orders as Your Lordships may deem fit and proper.
- (iv) Cost of application.

9. INTERIM RELIEF PRAYED FOR: -

Under the facts and circumstances stated above, the applicant does not pray for any interim relief.

10.....

11. PARTICULARS OF I.P.O: -

- (i) I.P.O No. :- 34 G 653203
- (ii) Date of issue :- 3.5.07
- (iii) Payable at :- Gurgaon

12. LIST OF ENCLOSURES: -

Gurpreet Singh

Contd...../Verification

VERIFICATION

I, Shri Gautam Giri aged about 61 years, resident of Shiraji Lane, Hailakandi Road....., P.O. Rangirkhari, Silchar, District Cachar, Assam do hereby verify that the statements made in paragraphs 1 to 12 of the application are to true to my personal knowledge and the submissions made therein, I believe the same to be true as per legal advice and I have not suppressed any material fact of the case.

And I sign this verification on this the 7th day of ^{May}~~April~~ 2007, Guwahati.

Date: 7.5.07

Place: Guwahati.

Gautam Giri

SIGNATURE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 142 of 2004.

Date of Order : This the 1st day of August 2006.

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman.

The Hon'ble Sri Gautam Ray, Administrative Member.

Sri Gautam Giri,
Post Graduate Teacher (Geography)
Kendriya Vidyalaya, Loktak,
N.H.P.C., Manipur - 795124.

... Applicant

By Senior Advocate Shri G.K.Bhattacharyya.

- Versus -

1. Kendriya Vidyalaya Sangathan,
Through its Commissioner,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.

2. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Silchar Region,
Hospital Road, Silchar-1.

... Respondents

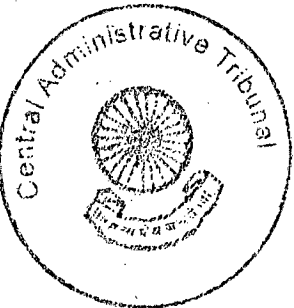
By Advocate Shri M.K. Mazumdar.

ORDER

K.V.SACHIDANANDAN (V.C)

The applicant is a Post Graduate Teacher (PGT) working in Kendriya Vidyalaya, Manipur. He submitted that he is qualified and has gained 10 years experience in recognized schools for the post of PGT as per recruitment rules. He fulfills all the terms and conditions for the post of Vice-Principal as per amended rules for recruitment of Vice Principals. The requirement for Vice Principal was also made 50% marks. However, by letter dated 10.9.2003

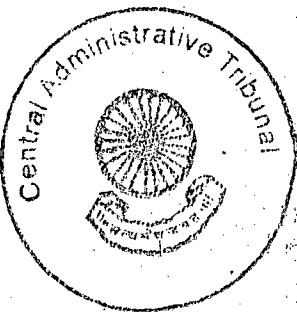
Attested by
8/05/07
Advocate.



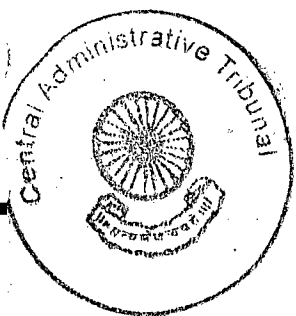
while calling for particulars of eligible PGTs it was only mentioned a Master Degree in one of the subjects is the eligibility criteria. Since the applicant fulfills all the eligibility criteria for the post of Vice Principal his name was appeared at sl.No. 2292 but his case was not considered. He also submitted representation which was not considered. Aggrieved by the said action the applicant has filed this O.A seeking the following reliefs.

✓ "It is, therefore, prayed that Your Lordship would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the impugned order dated 3.3.2004 (Annexure-VII) so far as it related to promoting the post graduate Teachers junior to the applicant to the post of Vice-Principal superseding the claim of the applicant should not be set aside and as to why a direction should not be issued to promote the applicant to the post of Vice Principal and after perusing the cause shown, if any, and hearing the parties set aside the impugned order as prayed for and direct that the applicant be promoted to the post of Vice Principal from the date his juniors were so promoted and or pass such order/orders as Your Lordships may deem fit and proper."

2. The respondents have filed a detailed written statement contending that the name of the applicant was not forwarded for the post of Vice Principal in 2003-04 since he does not have the required marks. However, the subsequent DPC meeting held on 9.2.05 his name was considered and he was found unfit and therefore he was not promoted as Vice Principal. This is because there was a penalty imposed against the applicant on 16.3.99 and 4.11.03. Therefore, there is no merit in the claim of the applicant. As a consequence of the disciplinary action penalty was imposed against the applicant which is justified as per law.



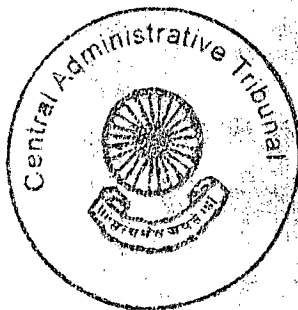
3. Heard Mr G.K.Bhattacharyya, learned senior counsel for the applicant and Mr M.K.Mazumdar, learned counsel for the respondents. Learned counsel for the applicant submitted that though two penalties were already imposed against the applicant i.e. in the year 1999 and 2003, the first one came to an end on 2003 (reduction of pay). Penalty imposed on 2003 was only censure, which has no consequences as far as the promotion is concerned. The counsel for the respondents further submitted that since the committee which evaluated the case of the applicant had rejected the claim of the applicant there is no scope for any further consideration. However, when the matter came up for hearing, we have given due consideration to the arguments advanced by the counsel for the parties, evidence and the materials placed on record. Now the crux point centered round on the issue whether the applicant is fit for promotion to the post of Vice Principal or not. The respondents counsel was good enough to produce the record relating to the minutes of the selection committee and the ACRs of the applicant. In the minutes of the committee which was held on 9.2.04 many candidates have been evaluated by the committee. The applicant has no dispute with regard to the competency of the committee who made the assessment. While assessing the qualification, ACRs and other details regarding the fitness of the Vice Principal is concerned, the applicant's name also has been considered which is at sl.No.42 in the list and serial No.2292 mentioned therein. Admittedly the bench marks for that Vice Principals gradation is 'Good'. The committee assessed the 4 years



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previous record and the ACRs which are Good in all the years as far as the applicant is concerned but the only reason that has been given for declaring him unfit in the last column is the minor penalty of censure issued on 4.11.03. Learned counsel for the applicant submitted that censure cannot be a reason for rejecting the promotional prospects of a candidate. It is also well settled position of law that "the censure cannot be a reason for rejecting the case of promotion."

4. ✓ We are of the considered view that reason of censure to be considered for declaring the applicant as unfit is illegal and for that reason denying of promotion to the applicant is not justified and therefore, we set aside the finding of the Committee that the applicant is unfit and declare that the applicant is entitled to be promoted as Vice Principal. However, since he has not actually taken charge as Vice Principal and discharging the duties of the Vice Principal till now he will be entitled for the notional benefit. In the facts and circumstances he is entitled to get promotion as Vice Principal on the date the other candidates are promoted (notionally). We also direct the respondents to promote the applicant as Vice Principal forthwith since he is retiring in the month of October 2006. ✓



TRUE COPY

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circumstances no order as to cost.

4.8.06
Section Officer (Judl)
Central Administrative Tribunal
मुंबई न्यायालय
GDW
मुंबई न्यायालय-5

The Original Application is allowed. In the

Sd/VICE CHAIRMAN
Sd/MEMBER (A)

Attested by

8/5/07
Advocate.

16/3/8



-14-

Annexure - B

Speed post

33

KENDRIYA VIDYALAYA SANGATHAN (HQ)
18, INSTITUTIONAL AREA,
SHAHED JEET SINGH MARG
NEW DELHI- 110016

F.7-8/2004-KVS(Estt-I)

Date : 28.8.2006

MEMORANDUM

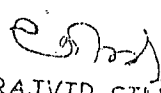
Shri Gautam Giri,, PGT (Geog.), Kendriya Vidyalaya, Silchar is hereby promoted to the post of VICE-PRINCIPAL in the pay scale of Rs. 7500-250-12000/- and initially posted in Kendriya Vidyalaya Gulmarg as Principal Grade-II.

2. He may convey his acceptance/consent within 10 days from the date of receipt of this offer to KVS (HQ) quoting the above reference through his Principal under intimation to the office of Assistant Commissioner, Regional Office concerned also. If the offer is acceptable, he may join at the place of posting mentioned in paragraph 1 above latest by 9.9.2006 after availing the minimum joining time as admissible under rule. He will be treated to have been promoted notionally to the post of Vice-Principal from 25.6.2004 - the date on which his immediate junior Shri K.K. Mathur joined as Vice-Principal on promotion.

3. His pay in the above time scale of pay i.e. Principal will be fixed as per provision of FR 22(I)(a)(1) as applicable to the employees of KVS. So he will have an option (i) to have the pay fixed from the date of promotion OR (ii) to have the pay fixed initially at the stage of time scale of the new post above, the pay in the post presently held which may be re-fixed on the date of accrual of next increment in the scale of pay of lower grade held by him. The option shall be exercised by him within one month from the date of joining on promotion as Vice-Principal in Kendriya Vidyalaya and option once exercised will be final and the same should be submitted to the Assistant Commissioner, Regional Office concerned.

4. In case he does not want to accept promotion to the above post, he should make a written request to the appointing authority declining the same setting out reasons for such refusal. Refusal of promotion will entail no fresh offer of promotion being made to him for a period of FIVE YEARS from the date of refusal. He, on eventual promotion to the above post, will lose seniority vis-a-vis erstwhile juniors promoted to the above post earlier, irrespective of the facts whether the post in question is filled by selection or seniority.

5. This promotion is subject to the condition that no disciplinary case is pending against him and he is not under currency of any penalty.


(RAJVIR SINGH)

DY. COMMISSIONER (PERS)
FOR JOINT COMMISSIONER (ADMN)

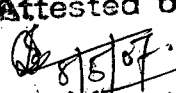
DISTRIBUTION:

1. Shri Gautam Giri, PGT (Geog.), KV, Silchar.
2. The Principal, K.V, Silchar.

3. The Joint Commissioner, KVS
Rajmarg/Jammu.

4

It may be ensured that
no disciplinary case is
pending against him and
also that he is not under
currency of any penalty

Attested by

Advocate.

To

The Commissioner,
Kendriya Vidyalaya Sangathan,
New Delhi.

Sub : Reminder — **Request for promotion to the post of Principal** in respect of **Mr.G.Giri**, Ex-Vice-Principal/Principal Gr.II, K.V. Gulmarg at Tangmarg even after retirement reg. Seniority No.2292 in PGTs.

Ref.: My earlier representations dt. 08.08.06, 05.09.06, 17.10.06 & 30.10.06.

Hon'ble Sir,

Respectfully once more I would like to pray few words for your sympathetic reconsideration and to pass valuable order even after my retirement for promotion to the post of Principal.

That since my joining as PRT, PGT and Vice-Principal /Principal Gr.II in 1978,1982 and 2006 respectively I have not only produced a laudable result of 100% with quality in Board Classes as a teacher but I have also performed the duty as a good administrator in the uncontrolled situation of the KVS and NVS specially at K.V. Tuli (Nagaland) and JNV Chukitong of Wakha (Nagaland) which were the beyond control of KVS and NVS authority. I have discharged the duties efficiently and to the entire satisfaction of the authority. I have made the situation of the above said Vidyalaya in such a way that any Principal can service there in a peaceful manner which can be enquired by your authority Dr. V.K.Agarwal, Education Officer, KVS(Hqrs.) , the then Principal of K.V. Tuli.

The highlight of my administrative experience are submitted below :

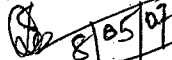
- i) Officiate as Principal at K.V. Masimpur(Assam) for one and half year in different spells.
- ii) Principal on deputation at K.V. Karimganj (Assam) for 02 years from April 1993 – Nov.1994.
- iii) Principal on deputation at K.V. Tuli(Nagaland) for 06 months
- iv) Officiate as Principal at K.V. GCCRPF Manipur 06 months.
- v) Principal on deputation at JNV Chukitong Wokha Nagaland of NVS for 01 year.
- vi) I/c Principal at K.V. Loktak (Manipur) for 06 months.
- vii) Principal Gr.II at K.V. Gulmarg for 02 months w.e.f. 04.09.06 to 31.10.06.

Hon'ble Sir it is my great pleasure to inform you that rare PGT/Vice-Principals are having such type of administrative experience who have been promoted to the post of Vice-Principal/Principal in the year 2003-04 to 2005-06 and so on respectively.

Hon'ble Sir it is further submitted that many PGTs junior to me have been promoted to the post of Vice-Principal/Principal since 2003-04 to 2005-06 and I have been deprived of for such opportunity even after my number of earnest request. I am to furnish below the juniors who have been promoted to different cadre of post, year wise ignoring my name for your kind reference.

- i) During year 2003-04 : 70 PGTs have been promoted to the post of Vice-Principal (from Seniority No.2294 to 2494).
- ii) During year 2004-05 : 54 Vice-Principals have been promoted to the post of Principal (Seniority No.2294 to 3584)

Attested by



Advocate.

- iii) During 2004-05 : 100 PGTs have been promoted as Vice-Principal (Seniority No. in PGTs as it is not given in right to information act by KVS authorities.
- iv) During 2005-06 : 32 Vice-Principals have been promoted as Principal (Seniority No. in PGTs not given in right to information act by KVS authorities.

Hon'ble Sir, it is pertinent to mention here that inspite of my repeated representations/request since 2003 my name has not been considered for promotion and as such compelled me to knock the door of Hon'ble CAT for Justice and after a long gape of 02 years due to technical problems, the Hon'ble CAT has passed an order on 31.07.06 which is reproduced as under :

" We are of the considered view that the reason of censure to be considered for declaring the appointment as unfit is illegal and for that reason denying of promotion to the applicant is not justified and therefore, we set aside the finding of the Committee that the applicant is unfit and declare that the applicant is entitled to be promoted as Vice-Principal. However, since he has not actually taken charge as Vice-Principal and discharging the duties of the Vice-Principal till now he will be entitled for the notional benefit. In the facts and circumstances he is entitled to get promotion as Vice-Principal on the date the other candidates are promoted (notionally). We also direct the respondents to promote the applicant as Vice-Principal forthwith since he is retiring in the month of October 2006."

In light of the above orders I was promoted to the post of Vice-Principal and posted at K.V. Gulmarg (J&K) as Principal Gr.II inspite of ignoring the Central Govt./KVS Rules to post at the same station on account of LTR. Since my joining as VP/Gr.II, I submitted repeated representations to promote me to the post of Principal and post me at KV Silchar under LTR of KVS Rules/ Guidelines so that I may not face any problem to get my retirement benefit as early as possible but it is painful to submit that no action has been taken in this regard and nothing has been intimated to me.

Therefore, once more I request your kind honor to kindly consider my humble request to **promote me as Principal** before my juniors even after my **retirement on superannuation on 31.10.06** so that I may not be in financial hardship of pension benefits.

Thanking you Sir,

Yours faithfully,

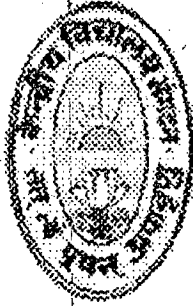
 -06
(Goutam Giri)

Ex-Principal Gr.II, K.V. Gulmarg
Seniority No.2292 in PGTs

Encl : As above.

Attested by

 8/05/07
Advocate.



Kendriya Vidyalaya Sangathan
18 Institutional Area, Shahid Jit Singh Marg
New Delhi – 110016
Tel: 26858570, Fax No. 26514179
Website: www.kvsangathan.nic.in

FAX/SPEED POST

F.19-211(13)/2004-KVS (RPS)/

Dated: -2/-12.2006

Shri Gautam Giri,
Ex-Principal Grade-II,
Kendriya Vidyalaya,
GULMARG

Subject : Promotion for the post of Principal even after retirement – case of Shri Gautam Giri, Ex-Principal, Grade-II, Kendriya Vidyalaya, Gulmarg.

Sir,

I am to refer to your representation dated 1.12.2006 on the subject cited above and to inform you that as stated by you, you joined as Vice-Principal on promotion on 4.9.2006. As per Recruitment Rules 33.1/3% post of Principal are filled by promotion on the principle of merit with due regard on seniority from amongst Vice Principal/Principal Grade-II who have rendered a minimum of five years in Kendriya Vidyalayas of which at least one year should be in the grade of Vice Principal. Since you have not worked as Vice Principal for at least one year, you were not eligible to be considered for promotion as Principal.

Yours faithfully,

(Dr. M. M. Swami)
Dy. Commissioner (Admn)

Attested by

Advocate.

To
The Deputy Commissioner(Admn.)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahid Jeet Singh Marg,
New Delhi

Dated - 22-02-07

**Sub: Remainder request for promotion to the post of principal in respect of Mr.Goutam Giri,
Ex-Principal Gr. II ,K.V. Gulmarg**

Ref.: i) My earlier representations dated 8-8-06,5-9-06,17-10-06,30-10-06,1-12-06 and 2-1-07
ii) Your reply letter NO.F.19-211(13) 2004-KVS (RPS) dated 21-12-06

Hon,ble Sir,

With reference to the subject cited above under reference (i) the undersigned is surprised to receive your letter dated 21-12-06 under reference (ii) which is written with malafide intention ignoring orders of the Hon,ble CAT .Once again I would like to request you to consider my promotion under back log policy of promotion of the KVS. The following facts are submitted for consideration and reference.

- i) My old seniority No. amongst the PGTs is 2292
- ii) My promotion is due as Vice-Principal in the year 2003-04 and as Principal in the year 2004-05 as per KVS Promotion Rules as my juniors promoted.

It is submitted that since my request was not consider due to malafide intention of KVS I compelled to knock the door of Hon,ble CAT in the year 2004 for Justice and the Hon,ble CAT passed the valuable Orders to promote me as Vice Principal and Principal respectively with retrospective effect as my juniors have got.

It is regretted to say that you have set a side the orders of the Hon,ble CAT by which I am entitled to get my promotion to the post of V.P.& Principal respectively w.e.f 25-6-04 as my Juniors with notional effect .The PGTs have been promoted to the Post of V.P. and Principal considerably by the DPC of KVS for the year 2003-04 and 2004-05 ignoring my name .It may be mentioned that in your letter dated 21-12-06 refered to above quoted the Recruitment rules 33 1/3 % for promotion to the Post of Principal is not applicable in my case only. It is submitted that I joined as Principal Grade II on 4-9-06 at K.V .Gulmarg on promoted w.e.f 25-6-04 with notional effect by the Hon,ble CAT as my juniors have, was not my fault.It is the fault of the K.V.S. who have not considered my case for promotion to the post of V.P.and Principal in the year 2003-04 & 2004-05 respectively.

It is also submitted that rare PGTs /V.P. who have been promoted to the post of V.P. & Principal has better experienced than me.

Therefore once again I request you to kindly comply the orders of the Hon,ble CAT and promote me as Vice-Principal from the year 2003-04 and Principal from 2004-05 above my juniors have been promoted.

Yours faithfully

[Signature]
(Goutam Giri) 22-02-07
Ex-Principal Gr.II
K.V.Gulmarg

Address for correspondence:
Shivaji Lane ,Hailakandi Road,
P.O.Rangakhari,Silchar-788005.

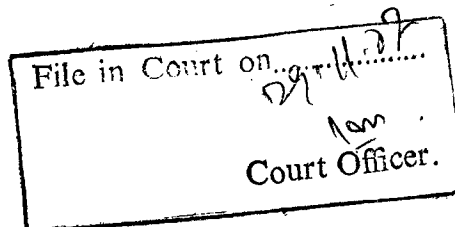
Copy for kind information and necessary action to:

1. The Commissioner, KVS, New Delhi
2. The Joint Commissioner (Admn.)KVS, New Delhi
3. The Chief Grievance Officer ,KVS(Hqrs.)New Delhi

Attested by
[Signature]
8/05/07
Advocate.

[Signature]
(Goutam Giri)

P/C



Filed by the Respondents
Through Mr. M. G. Jindan
Advocate
Standing Counsel K.V. Sangathan
29/11/07 38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

O.A. NO. 115 OF 2007

Sri Gautam Giri

..... Applicant

- Vs -

Union of India & Ors.

..... Respondents

IN THE MATTER OF :

Written Statement filed by
the Respondents

- AND -

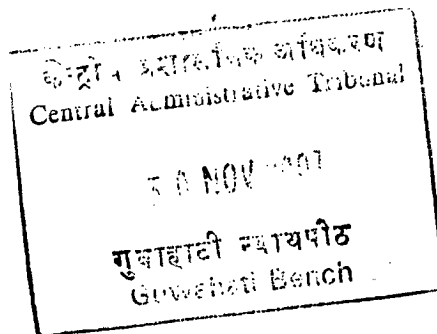
IN THE MATTER OF :

The Assistant Commissioner,
K.V. Sangathan, Guwahati Region,
Guwahati.

The humble Written Statement on behalf of the
Respondents are as follows :-

1) That I Sri Uday Narayan Khaware, the
Assistant Commissioner, Kendriya Vidyalaya Sangathan,
Guwahati Region, being authorised by the Joint Commi-
ssioner (Admn.) KVS Respondent in this Original
Application and supplied with Para Comment, I have
gone through the content thereof. I am competent
to file this written statement on behalf of the Respon-
dents they being official Respondents. I am fully
acquainted with the facts and circumstances of this
case.

contd.... p/2.

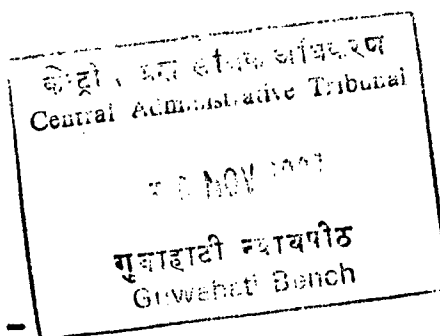


- 2 -

2) That at the outset, it is submitted that the Respondent Kendriya Vidyalaya Sangathan is an autonomous organisation registered under the Societies Registration Act (XXI) of 1860) fully financed by the Govt. of India, Ministry of HRD, New Delhi to cater to the educational needs of children of Transferable Central Govt. employees including Defence Personnels by providing common programme of education. The main objectives of the Sangathan are to develop Vidyalayas as Model in the context of national role of Indian education to initiate and promote experimentation in the field of education in collaboration with CBSE, NCERT and allied bodies and to promote national integration.

At present 971 Kendriya Vidyalayas including three abroad and 18 Regional Offices are functioning across the country. The Chairman of Kendriya Vidyalaya Sangathan is the Union Minister of HRD. The Joint Secretary (SE), M/HRD, Govt. of India, is the Vice-Chairman, KVS. KVS is headed by the Commissioner. The Board of Governors consisting of Eminent Educationists and Administrators from all over the country decides the policies and the guidelines of the Kendriya Vidyalaya Sangathan. The service conditions of the Kendriya Vidyalayas employees are governed by the rules incorporated in the Education Code.

contd.... p/3.



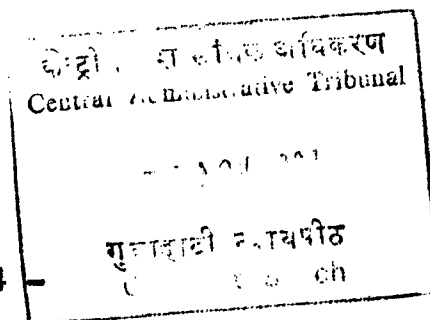
Filed by M. Responder
Through DM Myrindar
Achnote
29/11/07 40

3) The deponent states that the allegation/averments which are not borne out of record are denied and not admitted. Any averments/allegation which is not specifically admitted hereinafter is deemed to be denied.

4) That the deponent begs to apprise that the grievence of the Applicant is that the applicant has filed this O.A. before CAT Guwahati, seeking national promotion to the post of Principal. In this connection it is submitted that the promotions in the Kendriya Vidyalaya Sangathan are regulated in terms of KVS (Appointment, Promotion and Seniority) etc. Rules, 1971 as amended from time to time. Shri Gautam Giri retired Principal Gr.II had filed an O.A. No.142/2004 in the CAT Guwahati Bench regarding his promotion to the post of Vice-Principal.

The Hon'ble CAT Guwahati bench vide order dated 1.8.2006 passed the order for which operative part is reporduced as under :-

"We are of the considered view that reason of cesure to be considered for declaring the applicant as unfit is illegal and for that reason denying of promotion to the applicant is not justified and therefore, we set aside the finding of the Committee that the applicant is unfit and declare that the applicant is entitled to be promoted as Vice-Principal. However, since he has not actually taken charge as Vice-Principal



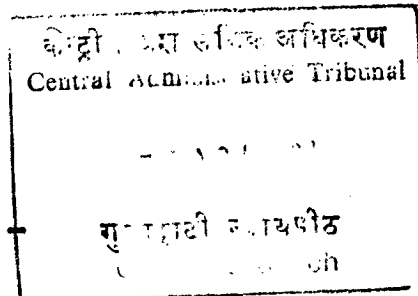
*Filed by Mr. Respondent
Through Mr. Magister
27/11/07*

and discharging the duties of the Vice-Principal till now he will be entitled for the notional benefit. In the facts and circumstances he is entitled to get promotion as Vice-Principal on the date the other candidates are promoted (notionally)."

Accordingly, CAT Guwahati Bench orders were complied. The offer of promotion to the post of Vice-Principal was issued to Shri Gautam Giri vide this office Memorandum dated 28.8.2006. He will be treated to have been promoted notionally to the post of Vice-Principal from 25.6.2004 - the date on which his immediate junior Shri K.K. Mathur joined as Vice-Principal on promotion. He has joined his duties as Principal Gr.II at Kendriya Vidyalaya Gurlmarg (J&K) 4.9.2006. He has retired from the service of the Sangathan on 31.10.2006.

Shri Gautam Giri vide his representations dated 1.12.2006 and 22.2.2007 respectively requesting for promotion to the post of Principal. The same was examined and he was informed that as per Recruitment Rules 33.1/3% post of Principal are filled by promotion on the principle of merit with due regard on seniority from amongst Vice-Principal/Principal Gr.II who have rendered a minimum of five years in Kendriya Vidyalayas of which at least one year should be in grade of Vice-Principal. Since Shri Gautam Giri has not worked as Vice-Principal for at least one year, he was not eligible to be considered for promotion as Principal as intimated

contd.... p/5.



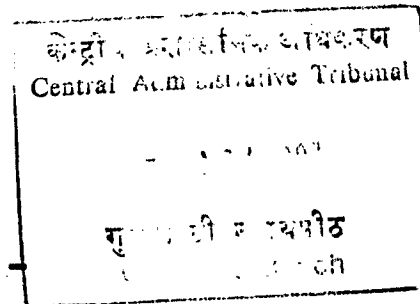
*File by the Respondent
Shri. M. K. Sharma
Advocate
29/11/13*

vide this office letters dated 21.12.2006 and 15.6.2007. Therefore, there is no merit in the applicant's case which may be dismissed. The parawise comment of the O.A. are submitted as under :-

PARA WISE COMMENTS :

- 5) That with regard to the statement made in para 4(i) the respondents says that these are matter of record and does not forward any comment.
- 6) That with regard to the statement made in para 4(ii) it is stated that as per KVS (Appointment, Promotion, Seniority etc.) Rules, 1971 as amended from time to time circulated vide this office letter dated 5.7.2001 for promotion to the post of Vice-Principal, a PGT should have obtained at least 50 % marks in Master's degree. The applicant was not eligible for promotion to the post of Vice-Principal during 2003-04 as he possesses only 49.6 % marks in master's degree.
- 7) That with regard to the statement made in para 4(iii) it is submitted that the condition of having atleast 50 % in master's degree was relaxed for promotion to the post of Vice-Principal vide Office Memorandum dated 22.8.2003. Accordingly the name of the applicant for promotion to the post of Vice-Principal was considered by the DPC in its meeting held on 9.2.2004 but the DPC recommended him UNFIT based on his service records.

contd.... p/6.



8) That with regard to the statement made in para 4(iv) and (v) it is submitted that as per Hon'ble CAT Guwahati bench orders dated 1.8.2006, Shri Gautam Giri was offered promotion to the post of Vice-Principal vide this office memorandum No. F.7-8/2004-KVS(Estt.I) dated 28.8.2006. The applicant will be treated to have been promoted notionally to the post of Vice-Principal from 25.6.2004 - the date on which the applicant's immediate junior Shri K.K. Mathur joined as Vice-Principal.

9) That with regard to the statement made in para 4(vi), (vii) and (viii) it is submitted that the applicant joined as Vice-Principal (Principal Gr.II) on 4.9.2006. As per Recruitment Rules 33.1/3 % post of Principal are filled by on promotion on the principle of merit with due regard on seniority from amongst Vice-Principal/Principal Gr.II who have rendered a minimum of five years in Kendriya Vidyalayas of which at least one year should be in the grade of Vice-Principal.

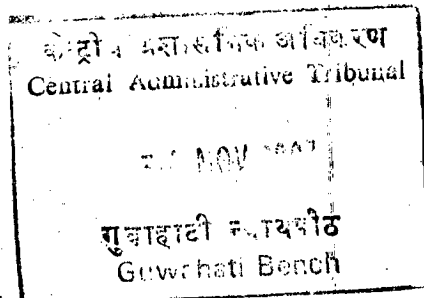
The representation dated 1.12.2006 of the applicant was considered by the respondent and vide this office letter dated 21.12.2006 the applicant was informed that the applicant had not worked as Vice-Principal for at least one year, the applicant was not eligible to be considered for promotion as Principal.

contd.... p/7.

10) That with regard to the statements made in paras 4(ix) to (xi) it is submitted that the representation dated 22.2.2007 of the applicant was considered by the respondent. The applicant was informed vide this office letter dated 15.6.2007. The question raised by the applicant in para (xi) that many juniors who had less than one year experience were considered for promoted in the year 2004-05 as Principal is not correct as no regular Vice-Principal/Principal Gr.II having less than requisite experience were considered for promotion.

11) That with regard to the grounds set forth in this application from para 5.1 to 5.viii the respondents states that the grounds are not tenable in law. The fact already stated in reply to the proceeding paras 4.i to 4.xi. It appears that the Applicant's claim has been considered in the light of the existing rule. That the Respondent have considered the case of the Applicant with full honour to the judgement of the Hon'ble Tribunal. The action of the Respondents are as per law. The action of the Respondent is in order and there is no malafide and discrimination in this action.

contd.... p/8.



Filed by Mr. Respondent's
Through Mr. Magister
29/11/07

29/11/07

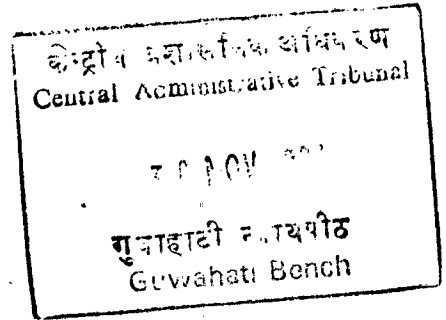
35

12) That with regard to the prayer so made by the Applicant it is submitted that as stated above it is stated that the relief sought by the Applicant can not be granted and this Hon'ble Tribunal may be pleased to dismiss this application being devoid of merits.

Verification

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VERIFICATION



I Shri Uday Narayan Khawarey, Son of Shri Jagat Narayan Khawarey, aged about 48 years, presently working as Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Jawaharnagar, Khanapara, I am one of the Respondent do hereby verify that the statement made in paragraphs 1, 2, 3, 4 (part), 5, 8, 9, 10 (part) and 11 are true to my knowledge and those made in paragraphs 4 (part), 6, 7, and 10 (part) are based on records I have not suppressed any material fact.

And I sign this verification on this the day of 29th Nov, 2007 at Guwahati

Uday Narayan Khawarey

DEPONENT

Place : Guwahati

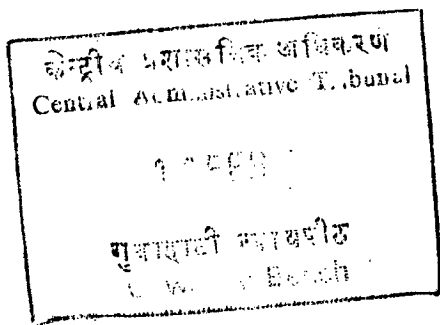
Date : 29/11/07

Rejoinder filed today by Mr. Tannushree Das
Advocate. copy served on the other
side. To be posted on 15-2-08.

11212108.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Administrative Tribunal Act' 1985)



O.A. No. 115 /2007

Shri Gautam GiriApplicant

- Versus -

Union of India and others

...Respondents

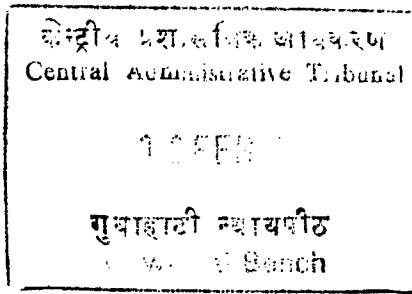
INDEX

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page</u>
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2	Verification	4
3	Annexure - F	5 - 7
4	Annexure - G series	8 - 11

Filed by:

Tannushree Das

Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 115 /2007

Shri Gautam GiriApplicant

- Versus -

Union of India and others

.....Respondents

- AND -

IN THE MATTER OF: -

Rejoinder filed on behalf of the applicant.

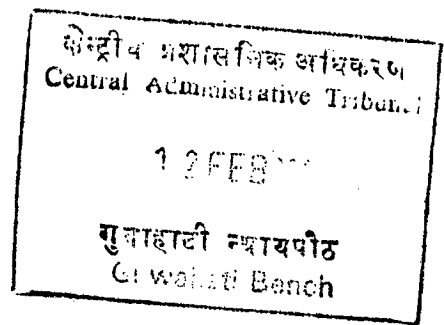
The Applicant above named MOST RESPECTFULLY begs to state as follows:

1. That the Applicant has been served with a copy of Written-statement filed by the Respondents and after going through the same, have understood the same contents thereof. And hence, I deny all the statements which are not born on the records may also be deemed to be denied.
2. That with regard to the statements made in Paragraphs 1, 2, 3 and 5 of the Written-statement, this Applicant has no comment.
3. That with regard to the statements made in Sub-paragraph 1 to 3 and 4 of the Paragraph 4 of the Written-statement, this deponent has nothing to state in as much as the same are matter of records. But the Applicant denies the statement made in Sub-paragraph 5 of Paragraph 4 of the Written-statement, in as much as the Applicant states that in which case the Old Amended Rule is applicable. The Amendment Rule came in force

Contd.....

- Gautam Giri

Filed by the applicant
through
Hansbreen Bag
Advocate



with effect from 05.07.2001 and hence, the employees who have been appointed after the date, the New Amended Rule is applicable. The Applicant was appointed under the Respondents on 22.10.1982 and hence, the Old Rule is applicable and as per, the Old Rule the essential qualification for the Post of Principal is as follows: -

“44. (ii) Principals

Essential Qualifications : (i) Master's Degree with at least 45% marks in any of the subjects Mathematics, Physics, Chemistry, Zoology or Botany, English, Hindi, Sanskrit, History, Geography, Commerce, Economics. (ii) University Degree or Post graduate Diploma in Teaching/Education, (iii) 3 years' experience in a recognized Higher Secondary School or College, and (iv) working knowledge of Hindi and English. Desirable : Experience in organizing seminars, in-service courses, symposia, educational conferences, sport rallies, and cultural and literary meets”.

The Applicant also states he was fully eligible for promotion as per the Old Recruitment Rule having his marks 49.6% in Master Degree. It is pertinent to mention that the Respondents Authority had illegally deprived his due promotion to the post of Principal out of which number of juniors was also promoted, had the Applicant was promoted, he would have completed more than 1(one) year in the Vice-Principal post and would have promoted to the post of Principal along with his juniors in the year 2004 – 2005.

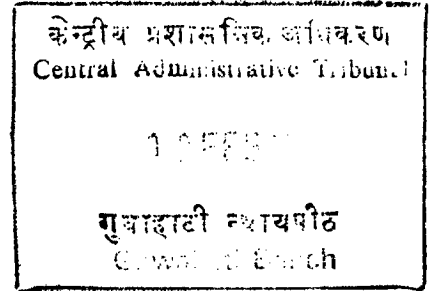
List of persons who were promoted to the post of Vice-Principal for the year 2003 – 2004 is annexed herewith as ANNEXURE – F.

List of persons who were promoted to the post of Principal in the year 2004 – 2005 is annexed herewith as ANNEXURE – G.

4. That with regard to the statements made in Paragraphs 6, 7, 8 and 9 of the Written-statement, this deponent denies the same and reiterates all the statements made in the relevant Paragraphs of the Original Application

Contd.....

Gautam Giri

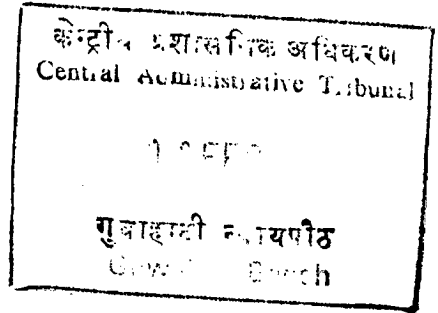


and also statements made in Paragraph 3 above. The Applicant reiterates that as per the Old Rule, 50% marks in Master Degree are not applicable at all. In spite of that the Respondents ignored the Old Recruitment Rule and deprived him his due promotion during the year 2003 – 2004. But after the Judgment of this Hon'ble Tribunal in Original Application 142 of 2004, the Applicant was notionally promoted with effect from 25.06.2004, though he is entitled to get promotion with effect from 03.03.2004 that is, the date on which other juniors were promoted. It is also to be stated here that as per the Old Recruitment Rule 1(one) year working experience as Vice-Principal is not essential.

5. That with regard to the statements made in Paragraph 10 of the Written-statement, the Applicant deny the same and reiterate all the statements made in relevant Paragraphs of the Original Application. He also states that he has obtained more than 1(one) year experience as has been stated in the Paragraph X of the Original Application and hence, he should have been considered for the post of Principal more so, when most of his juniors were promoted to the post of Principal and when the Applicant has no fault.
6. That with regard to the statements made in Paragraphs 11 and 12 of the Written-statement, the Applicant deny the same and states that there is a legitimate claim of the Applicant to the post of Principal in as much as, he should not be suffered for the fault of the Respondents themselves.

Goutam Gini

Contd...../Verification



VERIFICATION

I, Shri Gautam Giri, son of Late Shivanandan Giri, aged about 61 years, resident of Padma Sadan, Shingji Nagar, Hailakandi, P.O. - Rangir Khari..... ^{Road}, in the District of Silchar (Cachar)....., do hereby verify that the statements made in Paragraphs 1 to 6 of the above are to true to my personal knowledge and the submissions made therein, I believe the same to be true as per legal advice and I have not suppressed any material fact of the case.

And I sign this verification on this the 6th day of February 2008, Guwahati.

Date: 06.02.2008

Place: Guwahati

Gautam Giri
SIGNATURE

Extracts of the minutes of the DPC for the year 2003-04

D) The DPC graded the following PGTs as FIT in terms of prescribed benchmark and recommended their promotion to the post of Vice-Principal.

SL. NO.	SEN. NO.	NAME	PRESENT K.V.
✓01.	1641	Smt. Asha Malhotra	No.1 Halwara
✓02.	1842	Sh K.K. Shukla	No.2 Gaya
✓03.	2092	Sh Jai Gopal	Banar Jodhpur
✓04.	2189	Sh O.S. Yadav	No.1 Armapur Kanpur
✓05.	2190	Smt. Madhu Dhillon	Tagore Garden
✓06.	2193	Sh. U.S. Bhandari	Tinsukia
✓07.	2193-A	Smt. Chitra Aggarwal	CL. Town Dehradun
✓08.	2197	Sh. J.P. Upreti	No.2 Chakeri Kanpur
✓09.	2201-A	Smt. Sadhna Mittal	Jhalawar
✓10.	2202	Dr. M.P. Gupta	IOC Nunamati
✓11.	2208	Sh. D.K. Saraswat	No.4 Gwalior
✓12.	2212	Sh. S.B. Goel	Tagore Garden
✓13.	2213	Sh. RK Singh Gahlawat	Jharodakalon
✓14.	2220	Smt. Soma Abraham	NAD Alwaye
✓15.	2225	Smt. Janak D. Mutreja	Andrwes Ganj
✓16.	2225-A	Sh. B.N. Pandey	Gomoh
✓17.	2226	Smt. G. Tiwari	BSF Hazari Bagh
✓18.	2234	Sh. Narsingh Dixit	Rai Bareilly
✓19.	-	Dr.(Smt.) U.R. Gupta	No.1 GCF, JBP
✓20.	2236	Smt. Tripta Kumar	NTPC Dadari
✓21.	2237-A	Smt Ravi Kiran Jha	Sec-8 RK Puram
✓22.	2238	Sh. A.K. Bhatia	Mathura Cantt.
✓23.	2239	Sh. VPS Raghav	No.1 Sirsa
✓24.	2241	Smt. Archana Dayal	Sitapur
✓25.	2242	Smt. Laxmi Balakrishnan	Tagore Garden
✓26.	2244	Sh. B.K. Singh	Amjhore
✓27.	2245	Smt. J. Gupta	No.2 Bhopal
✓28.	2246	Sh. O.P. Choubey	Mhow
✓29.	-	Sh. Kulbhushan	No.1 Roorkee
✓30.	2254	Dr.(Smt.) Pushpa Lata Sharma	Gandhinagar Cantt.
✓31.	2255-A	Sh. Rameshwar Prasad	No.3 Gwalior
✓32.	2262-A	Sh. J.R. Kulhari	No.1 AFS Jodhpur
✓33.	2267	Sh. L.N. Goswami	ONGC Mehsana
✓34.	2268	Smt. Sreekumari C.M.	Ernakulam
✓35.	2289	Smt. Ashoka Gupta	Balasore
✓36.	2294	Smt. P. Shyamala	Keltron nagar
✓37.	2295	Sh. A.P. Mishra	No.2 Pathankot
✓38.	2299	Sh. A.K. Rath	No.2 Agra
✓39.	2301	Smt. K. Deb	No.2 JAL Bareilly

Attested by

ADVOCATE

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

गुवाहाटी न्यायपीठ
Guwahati Bench

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✓41.	2307	Sh. Nural. Quamar	Bengadubi
✓42.	2309	Sh. R.K. Awasthi	Barrackpore Army
✓43.	2311	Sh. B.S. Yadav	Talchar Talbehai
	2312	Sh. B. Ramakrishniah	Sonepur (presently working as Principal in K.V. Sonepur on depu.
✓44.	2313	Sh. D.D. Kumar	Hazaribagh
✓45.	2319	Smt. S. Bhandari	INS Mandovi
✓46.	2320	Sh. R.P. Singh	Khagaul
✓47.	2325	Smt. Pushpa C.M. Joshi	Solapur
✓48.	2334	Smt. Chandra Rekha	Bharatpur
✓49.	2336	Sh. V.S. Murthy	Masow
✓50.	2337	Smt. Jayanthi Ramachandran	Arakkonam
✓51.	2340	Smt. Geeta Sethi	Sriganganagar
✓52.	2343	Sh. R. Pawar	Mhow
✓53.	2355	Sh. P.C. Gupta	No.2 Agra
✓54.	2356	Smt. P. Saxena	Karera
✓55.	2362	Smt. Pushpa Verma	Shimla
✓56.	2363	Smt. C. Pant	OFD Dehradun
✓57.	2368	Dr. (Smt.) Malathi Devi P	Ernakulam
✓58.	2370	Dr. PSN Yadav	IFFCO Phulpur
✓59.	2371	Smt Raj Aggarwal	RDSO Lucknow
✓60.	2374-A	Shri RD Sharma	Cooch Behar
✓61.	2375	Smt R. Sharma	Ujjain
✓62.	2381	Dr. Ram Karan	NTPC Badarpur
✓63.	2386	Smt Kalawati Singh	Muzaffarpur
✓64.	2387	Sh NK Pandey	Rajgarh
✓65.	2388	Sh RK Yadav	NDA Pune
✓66.	2390	Smt Usha Rani Sharma	No.4 Gwalior
✓67.	2401	Sh KK Sinha	Mathura Cantt
✓68.	2404	Dr. R. Sunderraj	Malleshwaram
✓69.	2405	Sh Satyapal singh	OF Muradnagar
✓70.	2406	Sh CR Yadav	No.1 GCF Jabalpur
✓71.	2417	Sh PK Agarwal	No.2 Jammu
✓72.	2419	Smt Rajkumari Sharma	Karnal
✓73.	2422	Sh Parkash Kapse	No.3 Gwalior
✓74.	2425	Sh UP Singh	FCI Talchar
✓75.	2431	Sh V Pulsule	No.1 Sagar
✓76.	2432	Sh KB Sonawane	9 BRD Pune
✓77.	2433-A	Sh MP Singh	Tagore Garden
✓78.	2435	Sh Kiran Dhody	No.3 Gwalior
✓79.	2439	Sh SL Kabra	Eklingsgarh
✓80.	2441	Dr. RN Prasad	OF Katni
✓81.	2442	Smt Satya Garg	No.2 DCW Patiala
✓82.	2446	Smt Prem Bala	No.2 Delhi Cantt
✓83.	2447	Sh AK Pande	Ujjain
✓84.	2448	Sh AK Dalpati	CRPF Amerigog
✓85.	2450	Smt V. Janaki	9BRD Pune
✓86.	-	Sh CK Kapoor	No.1. Alwar
✓87.	2453	Sh Yasmeen Shaheed	Gole Market
✓88.	2454	Sivankutty Nair PB	AFS Trivendrum
✓89.	2466	Dr Smt Jaswant Minhas	Nagrota
✓90.	2473	Smt Meera Chaturvedi	No.1 Faridabad
✓91.	2475	Sh PC Pradhan	Kokrajarh
✓92.	2478	Smt Saroj Gupta	AFS Gurgaon
✓93.	2481	Sh BD Singh	Babugarh Cantt
✓94.	2482	Sh VN Sharma	Sec-29 Chandigarh

Central Administrative Tribunal

गुवाहाटी न्यायपीठ
ti Bench

-5-

✓95. 2488 Shri Ratan Singh
✓96. 2490 Sh Akbar Abbas
✓97. 2491 Sh VP Tarar
✓98. 2497 Smt R. Raina

Sec-8 Rohini
Jyotipuram
No.4 Delhi Cantt
NTPC Badarpur

SC Category:

✓1. 3813 Sh RK Lomra
✓2. - Smt Bharti Devi Rana
✓3. 3787 Sh Krishn Gopal
✓4. 3854 Smt I. Nandwal
✓5. 3884 Shri Kamlesh Kumar
✓6. 3922 Sh NR Bugalia
✓7. 4008 Sh RN Ram
✓8. - Sh DL Ram
✓9. - Sh BL Ghawri
✓10. - Sh UR Meghwal

AFS Sarsawa (on
deputation as
Principal in
JNV Bhagar
Mainpuri)
No.1 HBK Dehradun

Sec-8 RK Puram
ISP Nasik
No.1 Agra
No.1 Jaipur
Faizabad Cantt
No.1 Dehu Road
No.1 Udaipur
Deoli

(S. MODAWAL)

(V.K. GUPTA)

(TEJ SINGH)

(K.K. YASHWANTHA)

(H.M. CAIRAE)

Attested by


ADVOCATE

केन्द्रीय न्यायिक आयोग
Central Administrative Tribunal
गुवाहाटी न्यायपीठ
Guwahati Bench

List of Vice-Principals who have been promoted to the post of Principal during 2004-05

Sl.No.	Seniority No. (as PGT)	Name of Vice-Principal
01	1797	Shri Vijay R. Pardeshi
02	1603	Smt. S.K. Sachdev
03	1305	Smt. U.J. John
04	1510-A	Shri R.N. Sharma
05	1530-A	Shri V.N. Roy
06	1644	Smt. Geeta K. Pruthi
07	1685	Shri G.P. Wahi
08.	1732	Shri R.K. Bhatia
09.	1746-A	Shri G.N. Tiwari
10	1762	Shri B. Prasad
11.	1757	Shri L.N. Panda
12	1766-A	Shi B.L. Vyas
13	1769	Smt. Rama Sood
14	1771	Smt. Uma Gautam
15.	1798	Shri N.S. Ramachandran
16.	1799	Smt. T. Issac
17.	1805	Smt. Neelima Verma
18.	1817	Km. S. Bahuguna
19	1889	Smt. Madhu Gautam
20	1903-A	Smt. Archana Maheshwari
21	1909-A	Shri S.P. Sharma
22	1912	Smt. M. Rudra
23	1923	Shri U.D. Naiwani
24	1928	Shri A.K. Kaushal
25	1932	Shri L.N. Gupta
✓26	3198	Shri Hariram
27	3254	Shri P.P. Singh
28	3605	Dr. P.N. Ram
29	3630	Shri G.S. Arya
30	3847	Shri Sahdev Singh
31	28/87	Smt. Savitri Devi
32	16/88	Shri I.R. Basaragade
33	3518	Shri Jalnti Prasad
34	--	Shri Prabhu Singh
35	--	Shri S. Krishna
36	3069	Ms. M.R. Kujur
37	48/88	Smt. Veena Tirkey

Attested by


ADVOCATE

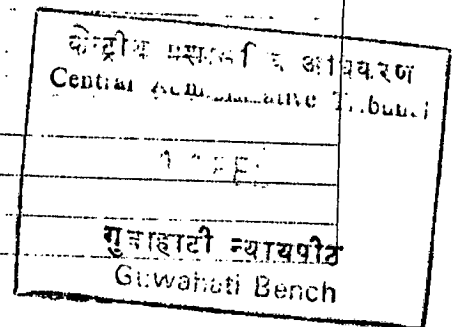
केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

1 FEB

मुद्राहारी न्यायपीठ
Bench

List of Vice-Principals who have been promoted to the post of Principal during
2005-06

Sr. No.	Sen. No.(As PGT)	Name of the Vice-Principal
(1)	(2)	(3)
1.	1489	Sh. O.P. Punia
2.	1901	Sh. Padmanav Panda
3.	1851-A	Sh. R.A. Khan
4.	1859	Sh. S.K. Jain
5.	1876	Sh. V.K. Tiwari
6.	1959	Sh. M.L. Paliwal
7.	1962	Sh. S.K. Kulshreshtha
8.	1965	Dr. R.D. Pande
9.	1990	Kum. Chandra Pant
10.	1994	Smt. Madhu Dubey
11.	2010	Sh. V.P. Shukla
12.	2019	Sh. R.C. Jain
13.	2025	Dr. R.R. Jain
14.	2028	Sh. J.C. Joshi
15.	2029	Smt. Sudha Kaushal
16.	2050	Sh. S.K. Agarwal
17.	2057	Sh. P.C. Sharma
18.	2058	Sh. S.K. Kaushik
19.	2062	Sh. M.K. Vyas
20.	2079	Sh. Amarjit Singh
21.	2081	Sh. P.V. Padmanabhan
22.	2086	Sh. R.K. Sharma
23.	2094	Sh. K.K. Goyal
24.	2097	Sh. DDPS Shaktawat
25.	2106	Sh. V.T. Sharma
26.	2114	Dr. R.S. Garg
27.	2116	Sh. TNN Namboodiri
28.	2128	Sh. D.K. Tyagi
29.	2129	Sh. Daroga Pandey
30.	2131	Sh. P.P. Singh
31.	2132	Sh. K.P. Tripathi
32.	2135	Sh. Ved Prakash
33.	2135-A	Sh. S.K. Vohra
34.	2136	Smt. K.G. Sujaya
35.	2144	Smt. Nisha Yadav
36.	2149	Sh. P.N. Sinha
37.	2150	Sh. S.P. Sharma



Attested by

[Signature]

ADVOCATE

38.	2157	Dr. A.R. Jena
39.	2160	Sh. R.S. Chauhan
40.	2161	Sh. R.V. Pandey
41.	2167	Sh. Praksh Narayan Lal
42.	2092	Sh. Jai Gopal
43.	2189	Sh. O.S. Yadav
44.	2193-A	Smt. Chitra Agarwal
45.	2197	Sh. JP Upreti
46.	2201-A	Smt. Sadhana Mittal
47.	2202	Sh. M.P. Gupta
48.	2208	Sh. D.R. Saraswat
49.	2213	Sh. R.K. Singh Gahlawat
50.	2221	Sh. C.P. Sharma
51.	2225	Smt. Janak Dulari Mutreja
52.	2225-A	Sh. B.N. Pandey
53.	2226	Sh. G. Tiwari
54.	2239	Sh. V.P.S. Raghav
55.	2244	Sh. B.K. Singh
56.	2245	Smt. Jaishree Gupta
57.	2251	Dr. (Smt.) N. Devi
58.	2254	Smt. P.L. Sharma
59.	2255-A	Sh. Rameshwar Prasad
60.	2262-A	Sh. J.R. Kulhari
61.	2268	Smt. C.M. Sreekumari
62.	2294	Smt. P. Shyamala
63.	2295	Sh. A.P. Mishra
64.	2299	Sh. A.K. Rathi
65.	2301	Smt. Kalpana Deb
66.	2313	Sh. D.D. Kumar
67.	2321	Sh. R.N. Chaubey
68.	2319	Ms. S. Bhandari
69.	2320	Sh. R.P. Singh
70.	2325	Ms. Pushpa CM Joshi
71.	2330	Sh. R.K. Dwivedi
72.	2334	Smt. C. Rekha
73.	2340	Ms. Geeta Sethi
74.	2343	Sh. R. Pawar
75.	2355	Sh. P.C. Gupta
76.	2362	Smt. Pushpa Verma
77.	2370	Sh. P.N.S. Yadav
78.	2371	Ms. Raj Agarwal
79.	2386	Smt. Kalawati Singh
80.	2387	Sh. N.K. Pandey
81.	2392	Sh. V.R. Yadav

केन्द्रीय न्यायिक अधिकरण
Central Administrative Tribunal

1 FEB

गुवाहाटी न्यायापीठ
Guwahati Bench


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82.	3391	Sh. B.L. Raman
83.	3582	Sh. M. Paswan
84.	3593	Sh. Bachan Prasad
85.	3610	Sh. J.S. Kharadia
86.	3657	Sh. A.K. Maurya
87.	3643	Smt. Roopa Katiyar
88.	3671-B	Sh. Mohan Lal
89.	3718	Smt. Saroj Sachan
90.	3728	Sh. Vijay Kumar
91.	3915	Sh. Sant Lal Karun
92.	4012-A	Dr. R. Prasad
93.	--	Sh. K.L. Chaudhary
94.	--	Sh. A.L. Mehra
95.	--	Dr. (Smt.) Maya Devi
96.	--	Smt. S. Chaudhary
97.	--	Sh. S.K. Loth
98.	--	Sh. Dalchanld Madhubal
99.	--	Smt. Sulakshana Dogra
100.	3969	Smt. C. Omana
101.	--	Sh. D.S. Meshram
102.	--	Sh. S.P. Ram
103.	3728	Sh. Vijay Kumar
104.	--	Dr. Ram Chandra
105.	--	Sh. G.R. Mandape
106.	3584	Sh. R.P. Meena

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

गुवाहाटी न्यायपीठ
Guwahati Bench

Attested by


ADVOCATE

File in Court on 30/8/08
Court Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

O.A. NO. 115 of 2007

Sri Gautam Giri

..... Applicant

- Vs -

Union of India & Ors

..... Respondent

IN THE MATTER OF

Written statement filed by the Respondents

- AND -

IN THE MATTER OF

Reply to the Rejoinder filed by the applicant

- AND -

IN THE MATTER OF

The Assistant Commissioner, K. V.
Sangathan, Guwahati Region, Guwahati.

The humble written statements on behalf of the Respondents are as follows: -

1. That the Respondent states that by filing this rejoinder the endeavor of the applicant to establish the rule applicable to his case of promotion to the post of Vice-Principal is not a new matter to be decided by this Hon'ble Tribunal at this stage for, the Applicant was promoted to the post of Vice Principal Grade-II with effect from 25-06-2004 in compliance with Hon'ble CAT's order passed in O.A. No. 142 of 2004.
2. The Respondent states that the statement made in Para-3 of the Rejoinder regarding applicability of the Rule is misconception of the Applicant and the statements made in subsequent Para-4, 5 & 6 of the Rejoinder, all are ~~divided~~ ^{denied} and Respondent stand by the written statement already filed.
3. The Respondent further states that the amended rule came in force with effect from 05-07-2001 and the Applicant's case of promotion became due on 2003. For shortage of mark in Master degree his case was not forwarded to the D.P.C. for consideration. In 2004-05; his case was considered by D.P.C. but recommended unfit. However, this Hon'ble Tribunal while dealing with the matter of promotion of the applicant, in O.A. No. 142 of 2004, have come to a finding that he is entitled to get promotion on the date the other candidate are promoted (notionally) and as such the case of the Applicant was considered on the basis of Hon'ble CAT, Guwahati Bench orders dated 01-08-2006, Shri Gautam Giri was offered promotion to the post of Vice

Filed by Respondent
Through - Mr. Majumdar
30.8.08
Standing Counsel K.V. Sangathan

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Principal. In the offer of promotion it was mentioned that he will be treated to have been promoted notionally to the post of Vice Principal from 25-06-2004, the date on which his immediate junior Shri M. M. Mathur joined as Vice Principal on promotion.

4. The name of Shri Gautam Giri, (~~a retired~~ Vice Principal) has been placed at S. No. 84-A in the Seniority list of Vice principal showing position as on 01-04-2006.

Shri Gautam Giri retired from the services of the Sangathan on superannuation w.e.f. 31-10-2006.

5. As regards the promotion to the post of Principal it is submitted that as per Recruitment Rules 33.1 / 3% post of Principal are filled by promotion on the principle of merit with due regard to seniority from amongst Vice Principals who have rendered a minimum of five years in Kendriya Vidyalayas of which at least one year should be in the grade of Vice Principal. The applicant had worked as Vice Principal for less than one year. The Applicant was not eligible to be considered for promotion as Principal.

6. There appears to be no discrimination in the matter of promotion of the applicant on the basis of claiming notional promotion again to the post of Principal is devoid of any merit.

VERIFICATION

Contd... Verification

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VERIFICATION

I Shri Uday Narayan Khawarey, Son of Shri Jagat Narayan Khawarey, aged about 48 years, presently working as Assistant Commissioner in the Regional Office of Kendriya Vidyalaya Sangathan, Jawaharnagar, Khanapara, being authorized by the Respondent do hereby verified that the statement made in paragraphs —

1. 2. 3 3 are true to my knowledge and those made in paragraphs 4 are based on records.

And I sign this verification on this the ^{30th day of June} day of _____, 2008 at Guwahati

Uday Narayan Khawarey

DEPONENT

Place :

Date : 30. 6. 08