

CENTRAL ADMINISTRATIVE TRIBUNAL, JABAL PUR BENCH,  
CIRCUIT COURT SITTING AT GWALIOR  
Original Application No. 1048 of 2005

Gwalior, this the 23rd day of November, 2005

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Ms. Bharti Saxena  
W/o Shri Anil Saxena,  
aged about 44 years,  
Occupation - Post Graduate Teacher  
(Chemistry) Kendriya Vidhyalaya No.2  
Gwalior, R/o 6 Dhanawat Estate,  
Gola Ka Mandir, Gwalior (MP)

APPLICANT

(By Advocate - Shri Deepak Okhade)

V e r s u s

1. The Commissioner,  
Kendriya Vidhyalaya Sangathan,  
Shaheed Jeet Singh Marg,  
18, Institutional Area,  
New Delhi.
2. The Assistant Commissioner,  
Kendriya Vidhyalaya Sangathan,  
Regional Officer-Opposite Central India,  
Flour Mills, Bhopal (MP)
3. The Principal,  
Kendriya Vidhyalaya No.2,  
Air Force Station, Maharajpur,  
Gwalior (MP)

RESPONDENTS

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application, the applicant has  
sought the following main reliefs :-

"(i) ...to quash the order dated 23.8.2000 passed by  
the respondent No.2 contained in Annexure-A-12.

(ii) ...to direct the respondents to consider the leave  
of the applicant for the period of 12.9.97 to 7.7.99 as  
extra ordinary leave which is without pay.

(iii) The Hon'ble Tribunal may kindly be make a  
clarification that if any promotion is due to the  
applicant, the impugned order will not come in the way  
of applicant.

(v) .... to direct the respondents to consider the  
representations made by the applicant from time to time  
to the authorities concerned."

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2. The brief facts of the case are that the applicant is working as Post Graduate teacher in Kendriya Vidhyalaya No.2, Gwalior. She had earlier applied for leave for the period from 12.9.97 to 7.7.99. The respondents vide their letter dated 23.8.2000 have rejected the request of the applicant and have treated that period from 12.9.97 to 7.7.99 as dies-non. Thereafter the applicant has given another representation to the respondents to reconsider the matter and regularise that period as leave. The Asst. Commissioner Kendriya Vidhyalaya Sangathan, Bhopal has forwarded her request to headquarter Kendriya Vidhyalaya Sangathan, New Delhi to consider her request vide letter dated 12.10.2004. Till now the respondents No.1 to whom the request <sup>been</sup> of the applicant has forwarded by respondent No.2 has not taken any decision in the matter.

3. Heard the learned counsel for the applicant.

4. Keeping in view all the facts and circumstances of the case, we are of considered opinion that ends of justice would be met, if we direct the respondent No.1 to consider <sup>and decide</sup> the representation of the applicant which has been forwarded to him by respondent No.2 vide letter dated 12.10.2004 by passing a detailed, reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. We do so accordingly. The applicant is directed to send a copy of this order as well as a copy of the petition to respondent No.1 immediately.

5. With the above directions, the OA stands disposed of at the admission stage itself.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman