

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Transfer Application No. 2 of 1999

Jabalpur, this the 22nd day of January, 2004.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. G.Shanthappa, Judicial Member

All India Kendriya Vidyalaya
Teachers Association, Jabalpur
Region through General Secretary,
Jabalpur (M.P.)

APPLICANT

(By Advocate - None)

VERSUS

1. Board of Governors, Kendriya
Vidyalaya Sangathan through the
Chairman, Kendriya Vidyalay
Sangathan, Shastri Bhawan,
New Delhi. and 7 others.

(By Advocate - Shri M.K. Verma)

O R D E R (ORAL)

By G.Shanthappa, Judicial Member -

The above TA No. 2/99 is arising out of the
W.P. No. 5731/98. The said W.P. has been transferred from
the Hon'ble High Court of Madhya Pradesh, to this
Tribunal.

2. The said TA has been filed by All India Kendriya
Vidyalaya Teachers' Association, Jabalpur Region through
General Secretary, Jabalpur (M.P.).

3. The reliefs are as follows :-

(i) Issue a writ of mandamus directing the
respondent Nos 1 & 2 to consider the representations
dated 14.2.98, 26.2.96, 22.4.98, 8.6.98 and 12.8.98
and accord the sanction of the post of teachers in
TGT(Bio) in various KV Jabalpur in accordance with
the Rules and norms or determination of the staff
strength of KVS in the interest of students and
direct the posting of the incumbents. It is also
prayed to direct the respondents and restrain them
from entrusting primary teachers and other staff to
teach science in the higher classes from VI to X
in place of TGT(Bio) resulting the loss to the
students of primary and higher classes being
contrary to the norms and rules of Kendriya Vidyalaya
Sangathan.

G.S.

(ii) Issue a writ of mandamus directing the respondents Nos. 1 & 2 to initiate CBI enquiry/ departmental inquiry against Shri S.B. Chaturvedi the then Asstt. Commissioner KVS(RO) Jabalpur, and against Shri Kameshwar Pandey Ex-Principal Kendriya Vidyalaya COD Jabalpur for obtaining a sanction for opening XI class in Science stream in the session 1997-98 in Kendriya Vidyalaya COD Jabalpur by misrepresentation and against the norms and rules of KVS causing and incurring financial burden of KVS at the rate of Rs.5 lacs approximately per annum and for other irregularities committed by Shri S.B. Chaturvedi and to take appropriate action accordingly on the basis of the complaints already lodged.

(iii) Issue a writ of mandamus directing the respondents to adjust all surplus science teachers at Jabalpur in accordance with surplus rules of KVS No. F-1/96-KVS(Estt-III) dt. 23/24.7.96 and consequently the surplus teacher be adjusted as TGT(Bio) against a post of Smt Meenakshi Verma TGT(Bio) KV No. 1 GCF Jabalpur who is under transfer to KV-1 Bhopal vide order No. F.7-1/98 KVS(Estt-III) dt. 31.10.98.

4. None appears for the applicant, we invoke the Rule 15 of Central Administrative Tribunal(Procedure) Rules 1987. We have heard the learned advocate for the respondents, perused the pleadings and documents.

5. The said TA is not maintainable, in view of the provisions Rule 4(5) (b) of CAT(Procedure) Rules 1987. the said provision is extracted below :-

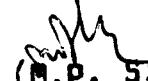
Rule 4(5)(b) such permission may also be granted to an association representing the persons desirous of joining in a single application provided, however that the application shall disclose the class/grade, categories of persons on whose behalf it has been filed(provided that at least one affected person joins such an application).

6. In the present TA, the Kendriya Vidyalaya Association is only the applicant, the affected person has not joined along with the applicant. In view of the said provision, the TA is not maintainable.

7. Accordingly the TA is dismissed. No costs.

8. The Registry is directed to enclose a copy of the the memo of parties of this TA, while issuing a copy of this order.

G. Shanthappa
(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman