

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 229 of 1999

Jabalpur, this the 4th day of February, 2004

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

Smt. Jesmine Tiwari
wife of Colonel J. Tiwari,
Primary Teacher, Kendriya
Vidyalaya No.1, Khamaria
Jabalpur, M.P.

APPLICANT

(By Advocate - Shri Arvind Shrivastava)

VERSES

1. Kendriya Vidyalaya Sangathan
through its Commissioner,
New Delhi.
2. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
(Regional Office),
G.C.F. Estate, Jabalpur, M.P.
3. Principal,
Kendriya Vidyalaya No.1,
Khamaria, Jabalpur, M.P.

RESPONDENTS

(By Advocate - Shri M.K. Verma)

O R D E R

By M.P. Singh, Vice Chairman -

By filing this Original Application, the applicant has requested for a direction to the respondents to treat the applicant on the strength of Kendriya Vidyalaya Khamaria with effect from 25.8.1998, along with salary from the same date.

2. The brief facts of the case are that the applicant has been posted at Kendriya Vidyalaya Aruvankadu. As her husband was working in Army in Jabalpur, ^{she} had requested for her transfer to Jabalpur. Her request was acceded ^{to} _{vide} order dated 14.8.1998 (Annexure-A-1) by which she has been transferred to Kendriya Vidyalaya No.1. Ordnance Factory Khamaria, Jabalpur. The applicant was on medical leave since 5th July, 1998 and was undergoing treatment at Jabalpur. It was, therefore, not possible for her to go Aruvankadu from Jabalpur to get herself relieved from that place. She

requested the Principal of Kendriya Vidyalaya, Aruvankadu to relieve her in absentia. The Principal of that school relieved her in absentia with effect from 22nd August, 1998. The applicant was issued a fitness certificate dated 18.8.1998 issued by the Victoria Hospital, Jabalpur. She sought permission to join her duties from 25.8.1998. She was allowed to join her duties and she started taking classes and she prepared daily diary which has been signed by the Principal. However, she has not been paid salary with effect from 25.8.1998 to 31.8.1998. Therefore, she had submitted a representation on 17.11.1998, and thereafter a number of repeated representations. The respondent no.2 vide order dated 18.3.1999 rejected the applicant's prayer for treating her on the strength with effect from 25.8.1998. Aggrieved by this, she has filed this OA. The applicant states that she had submitted an application for joining on 1st September, 1998 under the pressure of respondent no.3.

3. The respondents in their reply have stated that the applicant is claiming salary with effect from 25.8.1998. The applicant has in fact submitted her joining report only on 1st September, 1998. Therefore, the question of treating her on duty with effect from 25.8.1998 does not arise. Moreover, her joining report itself is dated 1st September, 1998 and, therefore, the applicant cannot be treated as on duty with effect from 25.8.1998.

4. We have heard the learned counsel for the parties and carefully perused the pleadings available on record.

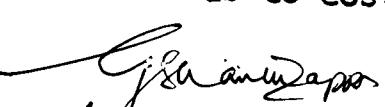
5. We find from the application given by the applicant on 25.8.1998 (Annexure-A-4) that she had sought permission from the Principal, KV No. 1 Khamaria, Jabalpur to join her duties. The respondents while rejecting the representations of the applicant vide their order dated 18.3.1999 (Annexure-A-7) have stated that the Kendriya Vidyalaya Sangathan (Headquarters) vide Staff Sanction Order dated 12.8.1998 reduced 3 PRTs. As such there were 18 PRTs on the rolls against 16 sanctioned posts.

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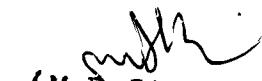
Smt.Tiwari, PRT ^{w.w.f.} transferred from KV Aruvankadu to KV No.1, Ordnance Factory Khamaria vide KVS transfer order dated 14.8.98. Smt.Tiwari was on leave on medical grounds w.e.f.5.7.1998 and as such she was relieved by the Principal of KV Aruvankadu in abesentia on 22.8.1998 with the instructions that she should produce medical fitness certificate at the time of joining. The said relieving order along with personal file and service book of the applicant was received by the Principal of K.V.No.1 OFK,Jabalpur on 31.8.1998. On the request made by KVS Regional Office,Jabalpur, the KVS Headquarters vide Staff Modification Order dated 31.8.1998 restored the aforesaid 3 posts of PRT. Accordingly, as per joining report submitted by the applicant on 1.9.1998, she was allowed to join her duties with effect from 1.9.1998.

6. From the above facts it is clear that though the applicant has sought permission for joining on 25.8.1998, but her relieving order was received by the Principal of KV No.1 OFK Jabalpur only on 31.8.1998. Moreover, there was no post of PRT ~~was~~ available on 25.8.1998. It was only on 31st August, 1998 ^{three posts, which had been reduced earlier, were} _{her duties} restored. She was, therefore, rightly allowed to join/only on 1.9.1998. It is also a fact that she had given her joining report only on 1.9.1998 and not on 25.8.1998. From these facts, it is evident that she had rightly been taken at the strength of KV No.1 OFK Jabalpur from 1.9.1998 and has been rightly paid salary with effect from the same date.

7. For the reasons discussed above, this O.A. is bereft of merits and is accordingly dismissed,however, without any order as to costs.


(G. Shanthappa)
Judicial Member

rkv.


(M.P. Singh)
Vice Chairman