

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUROriginal Application No.85 of 2000

Jabalpur, this the 17<sup>th</sup> day of November, 2003

Hon'ble Shri M.P.Singh - Vice Chairman

S.P.Gautam, son of Shri M.R.Gautam,  
aged about 27 years, r/o House of  
Amarnath Kochhar, new Bodki Amla,  
district Betul (MP)

- APPLICANT

(By Advocate - Shri B.K.Rawat)

Versus

1. The Commissioner, Kendriya Vidyalaya Sangathan, Shaheed Jeet Singh Marg, New Delhi.
2. The Principal, Kendriya Vidyalaya Amla, District Betul (MP)

- RESPONDENTS

(By Advocate - Shri M.K.Verma)

ORDER

In this Original Application the applicant is seeking the following main reliefs-

"to issue a writ of mandamus directing the respondent no.2 to permit the petitioner to work as Trained Graduate Teacher (English) in Kendriya Vidyalaya Amla in terms of the order of appointment on contract basis dated 18.9.1999. It is also prayed to direct the respondents to make the payment of difference of the salary to the minimum scale of Trained Graduate Teacher as admissible to the regular employees of Kendriya Vidyalaya Sangathan, together with interest @ 18 per cent per annum, and it is further prayed that this Hon'ble Tribunal may kindly be pleased to issue a suitable writ of mandamus to the respondents to regularise the services of the petitioner as Trained Graduate Teacher (English) in Kendriya Vidyalaya Sangathan".

2. The brief facts of the case are that the applicant was appointed as Teacher in Kendriya Vidyalaya, Amla for a period commencing from 18.9.1999 and ending on 30th April, 2000, or till the date a regular teacher joins, whichever is earlier. During the course of arguments, the applicant has

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not pressed for the relief that he should be paid the difference of the salary to the minimum scale of TGT as admissible to the regular employees of Kendriya Vidyalaya Sangathan (for short 'KVS'). According to the applicant on 27.1.2000, the respondent no.2 has directed the applicant not to attend his duties from 28.1.2000. Though the applicant had requested for his continuation in service, the respondent no.2 has verbally told the applicant that he should not attend his duties from 28.1.2000. Hence, he has filed this Original Application.

3. The respondents on the other hand submitted that the applicant was allowed to work against a leave vacancy (maternity leave) on a contract basis and in the said contract vide clause 5 it was clearly indicated that the applicant will get an amount of Rs.5500/- only per month. According to the respondents no appointment order was issued to the applicant as alleged by him. On account of the joining of the regular teacher the applicant was not allowed to continue in service as per the contract.

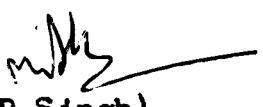
4. Heard the learned counsel for the parties and carefully perused the pleadings available on record.

5. I find that the applicant's engagement as a teacher on contract basis for the period from 18.9.1999 to 30.4.2000 was against a leave vacancy which became available on a lady teacher going on maternity leave. The contract clearly stipulates that the applicant was engaged for the period from 18.9.1999 to 30.4.2000 or till a regular teacher joins whichever is earlier. Shri R.S.Ram, Assistant Commissioner of KVS on an affidavit dated 6.11.2003 has submitted that the regular teacher "Mrs.V.Mini joined the Vidyalaya on 25.1.2000 after availing the maternity leave" and the contract of the applicant came to an end on 25.1.2000. Since in this case no formal order of appointment was issued appointing the applicant against the leave vacancy, no order was passed while terminating his

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services. The applicant has been paid the consolidated salary as stipulated in the agreement for the period his services were utilised by the KVS.

6. In view of the above, I do not find any case for any interference. Accordingly, this Original Application is dismissed, however, without any order as to costs.

  
(M.P.Singh)  
Vice Chairman.

rkv.

प्राप्तिकर्ता का नाम..... दर्शक का नाम.....

राम देव चंद्र देव

(1) दर्शक का नाम विवरण विवरण

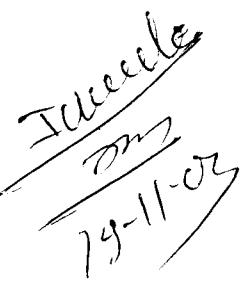
(2) दर्शक का नाम विवरण विवरण BIC Rawat, Adv.

(3) दर्शक का नाम विवरण विवरण MK Verma, Adv

(4) दर्शक का नाम विवरण विवरण

राम देव चंद्र देव

  
Jitendra  
19.11.03

  
Jitendra  
rkv  
19-11-03