

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

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ORDERS OF THE TRIBUNAL

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25.7.2008

OA 275/2008

Mr.R.P.Sharma, counsel for applicant.

Heard learned counsel for the applicant.  
The OA stands disposed of, at admission stage, by  
a separate order.



(R.R.BHANDARI)  
MEMBER (A)



(M.L.CHAUHAN)  
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 25<sup>th</sup> day of July, 2008

ORIGINAL APPLICATION NO.275/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR.R.R.BHANDARI, ADMINISITRATIVE MEMBER

Smt.Vanmala Rajesh Bhagat  
D/o Shri Atma Ram Khadatkar,  
R/o Jawahar Navodaya Vidyalaya Campus,  
Khairabad, Tehsil Ramganj Mandi,  
District Kota.

... Applicant

(By Advocate : Shri R.P.Sharma)

Versus

1. Union of India through  
Principal Secretary  
(Joint Commissioner, Admn.),  
Administrative Building,  
A-28, Kailash Colony,  
New Delhi.
2. Commissioner,  
Navodaya Vidyalaya Samiti,  
A-28, Kailash Colony,  
New Delhi.
3. Deputy Commissioner,  
Navodaya Vidyalaya Samiti,  
(Regional Office),  
18, Sangram Colony,  
Mahaveer Marg, C-Scheme,  
Jaipur.
4. Shri Ramcharan Dhingra,  
Principal,  
Jawahar Navodaya Vidyalaya,  
Khairabad,  
Kota.

... Respondents

(By Advocate : - - - )

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ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for the following relief :

"In view of the above facts and grounds mentioned in the body of the application, it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to allow this original application by quashing and setting aside the impugned orders dated 3.7.2008 read with the order dated 30.6.2008/2.7.2008 (Ann.A/1 and A/2) respectively with the further direction to the respondents to allow the applicant to work as Staff Nurse and thereby provide all consequential benefits as if the impugned orders were never issued."

2. We have heard learned counsel for the applicant at admission stage. From the material placed on record it is evident that the applicant had made a representation (Ann.A/3) to the Commissioner, Navodaya Vidyalaya Samiti, New Delhi, which has not been decided so far. Learned counsel for the applicant has also drawn our attention to the order dated 17/18.6.2004 (Ann.A/4), whereby an offer of appointment was given to the applicant, and argued that in view of para-3 of the said order the period of probation of the applicant was for two years from the date of appointment and the same was extendable for another year. According to learned counsel for the applicant, the applicant should have been considered as deemed confirmed after expiry of the maximum period of three years, whereas her services have been terminated w.e.f. 3.7.2008 when she had completed almost four years of service. Thus, according to him, it was not permissible for the respondents to pass the impugned order dated 3.7.2008 (Ann.A/1).

3. We have given due consideration to the submission made by learned counsel for the applicant. We are of the view that this matter can be disposed of at admission stage itself if a direction is given to respondent No.2 to decide the representation of

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the applicant (Ann.A/3) after taking into consideration the submission made by the applicant in the said representation as well as the contention raised by learned counsel for the applicant, referred to above.

4. Accordingly, the present OA is disposed of, at admission stage itself, with a direction to respondent No.2 to decide the representation of the applicant dated (Ann.A/3) by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. Respondent No.2 shall also take into consideration the contention raised by learned counsel for the applicant before this Tribunal, as referred to above, while disposing of the said representation. Needless to add that in case the applicant feels aggrieved by the order to be passed by respondent No.2, it will be open for him to file a substantive OA.

6. With these observations, the OA stands disposed of, at admission stage itself. The Registry is directed to send a copy of this order to respondent No.2.



(R.R.BHANDARI)  
MEMBER (A)



(M.L.CHAUHAN)  
MEMBER (J)

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