

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.1727/2015

New Delhi this the 19th day of December, 2018

**Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Nidhi Mudgal, Aged 26 years,
W/o Sh. Pankaj Sharma,
R/o House No.427, near Chatrivala,
Kuan, Khera Khurd,
New Delhi-110082

- Applicant

(By Advocate: Mr. S. Premchandra)

VERSUS

1. Kendriya Vidyalay Sangathan,
Through the Commissioner,
Headquarter Delhi

2. The Deputy Commissioner,
Regional Office, Kolkata,
EB Block, Sector-1, Lahoni,
Salt Lake, Kolkata-7000064

- Respondents

(By Advocates: Mr. S. Rajappa)

O R D E R (Oral)

Ms. Nita Chowdhury:

This OA has been filed by the applicant, claiming the following reliefs:-

“8.1 To direct the respondents to produce all the records of “APPOINTMENT TO THE POST OF PRIMARY TEACHER IN LIGHT OF MEMORANDUM DATED 08.09.2014 VIDE LETTER NO.F.250563/PRT/2014-KVS(Kol)/Admn/12797” relating to the appointment of the applicant to the post of Primary Teacher including entire records of proceeding along with Rules for Selection.

8.2 To Allow the O.A. and Quash the impugned Order vide letter no.F.25053/PGT/2014/KVS (KOL)/Admn/19989 dated 02/08.12.2014 passed by respondent no.2 (ANNEXURE A-1).

8.3 To direct the Respondents to revive the date of joining of the applicant and to give her a fresh date for joining her duty as she has been declared succeeded by the order dated 08.09.2014 (ANNEXURE A/2) after issuing a fresh order to her;

8.4 To pass such other order/orders as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case."

2. It is the case of the applicant that after receiving the offer of appointment, she requested for an extension of time which was extended up to 15.11.2014 but due to the late receipt of copy of offer of appointment, i.e. on 19.11.2014, she could not join her duty on 15.11.2014. The applicant protested this action of the respondents through representation but the respondent no.2, vide its order dated 2/8-12-2014 has withdrawn the offer of appointment with immediate effect and also mentioned that no further correspondence will be entertained in this matter. Hence the present OA.

3. We heard the counsel for the respondents and perused the counter affidavit.

4. In the counter affidavit itself, it is stated that on 08.09.2014, an instruction was given to the applicant to report for duty at Kendriya Vidyalaya No.2, Port Blair on or before 29.09.2014. In response to this offer of appointment, the applicant submitted an application dated 17.09.2014 in which she gave her acceptance and also requested for extension of joining time on the grounds that her marriage was to be solemnized on 28.11.2014.

5. It is the contention of the respondents that the applicant did not give any date for the period of extension. However, they themselves have shown in their counter affidavit that she had specifically mentioned that her marriage was to be solemnized on 28.11.2014. Despite this, they issued a letter dated 03.11.2014 asking her to join on 15.11.2014 and moreover, when the applicant had already informed them about receipt of the said offer of appointment on 19.11.2014.

6. Quite clearly, the respondents did not have any logic as to how a person, who has been appointed and had already informed that her marriage is on 28.11.2014, would join her posting on 15.11.2014 especially when she had informed them that she had received the communication for joining on 15.11.2014 on 19.11.2014, i.e. after the date on which she was directed to join. The actions of the respondents appear to be totally willful and this is no way in which an offer of appointment should be processed and without taking into account the genuine problem faced by the applicant. Hence, the orders 02/08.12.2014 withdrawing the offer of appointment are hereby quashed and set aside. The respondents are given three months' time to give a further offer of appointment to the applicant.

7. With the above directions, the OA is allowed. No costs.

(S.N. Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

