

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00292/2019

DATED THIS THE 25th DAY OF JUNE, 2019

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

CA.Nataraja,
Aged about 54 years
S/o CK.Anantharamaiah
Primary Teacher,(Music)
Working at Kendriya Vidyalaya Sanghathan,
KV BRBNMPL School
Mysore 571003.
(at present on deputation
from KV School Mandya) ...Applicant

(By Shri Raghavendra G.Gayatri..... Advocate)

V/s.

1.The Commissioner,
Kendriya Vidyalaya Sanghathan,
No.18,Institutional Area,
Shaheed Jeet Singh Marg
New Delhi 110 016.

2.The Deputy Commissioner
Kendriya Vidyalaya Sanghathan,
Regional Office
K.Kamaraja Road,
Bangalore.560042.

3.Ms.Sonan,
Aged about 24 years
D/o Girish Charbey
FCI Road, Pandey Patti
Baxar, Bihar 802 103 ...Respondents

(By Shri Vishnu BhatSr. Panel Counsel for R1 & 2)

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

1. Heard. The matter is in a very small compass. We had passed an order on 8.3.2019 which we quote:-

"Heard. Issue notice by dasti to the respondents. Applicant to take out notice and have it served on the respondents within 7 days next and produce appropriate evidence for having done so. Respondents are directed to file a short reply on the question of interim relief claimed for by the applicant within two weeks next. Their short reply will record as to why a new person has to be appointed in a place to which an already existing employee had applied for and was there on deputation. The other issues like the children studying in that place and being in the mid-academic session also will be explained in that reply.

They can also file a detailed reply within four weeks and in that case applicant can file a rejoinder within two weeks thereafter.

In the interregnum, Annexure-A11 so far as it relates to Respondent No. 3 will remain stayed. But then there will not be any bar for Respondent No. 3 being adjusted and accommodated against any other post in the system. Post for further hearing on 22.03.2019."

2. Apparently, thereafter respondents seem to have posted respondent-3 in another School at Mysore only. We have found that there is position available in Mandya and Mangalore also along with

Quarters. A person coming from Bihar can be accommodated at either of these places also. They had no difficulty. But, still they would say after having served their purpose of commencing the project school, now applicant will have to go back. That does not seem to be correct.

3. At this point of time Shri Vishnu Bhat submits that anyway representation filed by the applicant to accommodate him in Mysore itself, is pending with them and that may be directed to be disposed off. There is no need. Applicant is rightfully entitled to continue at Mysore as he had answered the call of the respondents to be on deputation at Mysore, even though, it is beneficial to him and after having extracted work from him on that premise the respondents are bound by legal estoppel against them to claim other wise .

4. Therefore, the applicant will continue in Mysore for one tenure as deemed under the Rules.

4. OA is allowed to this extent. No order as to costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA.No.292/2019

Annexure A1: Copy of letter dated 1.8.2018

Annexure A2: Copy of representation dated 1.8.2018

Annexure A3: Copy of representation dated 1.8.2018

Annexure A4: Copy of the office order dated 31.8.2018

Annexure A5: Copy of representation dated 14.8.2018

Annexure A6: Copy of letter dated 14.8.2018

Annexure A7: Copy of letter dated 5.9.2018

Annexure A8: Copy of representation dated 5.12.2018

Annexure A9: Copy of notification dated 2.3.2019

Annexure A10: Copy of representation dated 5.3.2019

Annexure A11: Copy of extract for recruitment of Music Teacher

Annexure referred to by the Respondents in the OA

Annexure R1: Copy of order dated 31.7.2018

Annexure R2: Copy of letter dated 1.8.2018

Annexure R3: Copy of office order dated 31.8.2018

Annexure R4: Copy of letter dated 5.8.2018/7.9.2018

Annexure R5: Copy of letter dated 13.4.2018

Annexure R6: Copy of letter dated 12.3.2019

Annexure R7: Copy of daughter's admission letter dated 12.3.2019

Annexures referred in rejoinder

Annexure A12: Copy of representation dated 21.8.2018

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