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Central Administrative Tribunal, Principal Bench

Review Application No.131/2004 in
Original Application No.2508 of 2003

New Delhi, this the 19th day of May, 2004

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member (A)

1. Commissioner
Kendriya Vidyalaya Sangathan,
2. Deputy Commissioner (Administration),
Kendriya Vidyalaya Sangathan,
Both are at:
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-16

....Applicants

Versus

S.K. Jain,
S/o Shri Satya Prakash,
aged 54 years,
Assistant Commissioner, KVS
Resident of Kendriya Vidyalaya No.3
Ring Road, Naraina,
New Delhi

....Respondent

O R D E R (By Circulation)

By Justice V.S. Aggarwal, Chairman

Applicant S.K. Jain is working as Assistant Commissioner, Kendriya Vidyalaya Sangathan. His entire confidential dossier is stated to be missing. Keeping in view the said fact, vide the order passed on 24.3.2004, it was recorded:

"7. To our query, we were informed that the benchmark for promotion from Principal to Education Officer and from Education Officer to Assistant Commissioner is 'Very Good' but the applicant came in the direct recruitment quota.

8. In face of the peculiar situation that had arisen and put up before us, it was felt that despite the applicant having been selected in the direct recruitment and that he was working in the KVS, it is not possible to hold that he was not meeting the benchmark even if he was to be selected as direct recruitee. This is a logical conclusion to which we find there is no escape."

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2. Respondents i.e. Kendriya Vidyalaya Sangathan seek review of the order asserting that the direction to treat the record of the applicant to be 'Very Good' is contrary to law because the Departmental Promotion Committee meeting has to go by the performance in the previous post and the principle of logic cannot be made applicable.

3. The principle of logic was made applicable herein because the entire confidential dossier of the applicant was missing. There was nothing shown to come to a conclusion to the contrary. In the peculiar situation, such observations and findings necessarily had to be arrived at keeping in view that the applicant was selected to the post which had the benchmark as 'Very Good'.

4. Therefore, we find that there is no error apparent on the face of the record. The petition must fail and is dismissed in circulation.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

/dkm/