

(2021) 01 CAT CK 0050

In the Central Administrative Tribunal

Case No : Original Application No. 1039 Of 2020

Ravi Kumar

APPELLANT

Vs

Kendriya Vidyalaya Sangathan & Others

RESPONDENT

Date of Decision : 18-01-2021

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2021) 01 CAT CK 0050

Hon'ble Judges : A. K. Bishnoi, Member (A); R.N. Singh, J

Bench : Division Bench

Advocate : Abhigya Kushwah, U. N. Singh

Final Decision : Disposed Of

Judgement

R. N. Singh, Member (J)

1. The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following

reliefs:-

â??8(a) Allow the instant Application and direct the respondents no. 1 to 3 to grant joining to the Applicant with the Respondent no. 3 or any other

branch of Respondent no. 1â??s school anywhere in India on the basis of the Provisional Certificate in lieu of the B.Ed. degree issued by the

Respondent no. 4; AND

(b) Take appropriate action according to law against the Respondents no. 1 to 3 for harassing and embarrassing the Applicant and causing him

extreme mental stress without any fault of his; AND

(c) Direct the Respondent no. 4 to clarify to the Respondents no. 1 to 3 that they have not issued the B.Ed. degrees for the reasons stated above, but

have only issued the Provisional Certificate in lieu of the B.Ed. degree to the Applicant for the B.Ed. Examination 2005; AND

(d) Direct the Respondents to compensate the Applicant for the loss of income and mental and physical health appropriately, which is just at the instance of the Respondents; AND

(e) Direct the Respondents to pay the costs of the instant litigation to the Applicant and also compensate him for the loss of ; AND/OR

(f) Pass any other and/or further order(s) as this Honâ??ble Court may deem fit and proper.â??

2. The respondents have filed their reply. The applicant is also stated to have filed rejoinder.

3. At the outset, learned counsels for the parties submit that during the pendency of the instant OA, the applicant has already been allowed to join the post of TGT (Hindi) under them and the applicant has joined as such. They further submit that in view of the same, the prayer made at para 8 (a)

above has become infructuous. However, learned counsel for the applicant submits that the respondents are yet to consider the grant of back-wages

and correct seniority to the applicant in view of the applicantâ??s aforesaid joining.

4. However, it is an admitted case of the applicant that no such prayer has been made in the present OA.

5. In view of the aforesaid, the present OA is disposed of as having become infructuous but with liberty to the applicant to raise his grievance, if any,

by preferring a representation before the competent authority under the respondents. In case any such representation is preferred by the applicant

within four weeks of receipt of a copy of this Order, the respondents are directed to consider the same in accordance with the relevant rules and

instructions on the subject and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within

four months of receipt of such representation.

6. The OA is disposed of in the aforesaid terms. No costs.