

[19 April, 2002]

RAJYA SABHA

(b) if so, what effective steps Government are taking for utilisation of the allocated amount?

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT [DR. (SHRIMATI) RITA VERMA]: (a) No, Sir.

(b) Does not arise.

Removal of KV teachers under Education Code

**†2866. SHRI BALKAVI BAIRAGI:
SHRI GHANSHYAM CHANDRA KHARWAR:
SHRIMATI SAROJ DUBEY:**

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether Kendriya Vidyalaya Sangathan has added article 81 (D) to the Education Code of the Sangathan; if so, the details of its provisions;

(b) whether Assistant Commissioners has the discretion to issue to dismiss some employees from service or to pardon other in similar circumstances under the above provision;

(c) if so, the details thereof;

(d) the justification for such discrimination and the safeguards provided to check misuse of discretionary powers; and

(e) the details of the teachers/officials who have been served with notices and those who have not been served with a notice so far under the proviso of this section; school-wise and category-wise?

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT [DR. (SHRIMATI) RITA VERMA]:(a) Yes, Sir. The details of the provisions contained in Article 81 (d) of Education Code for KVs are enclosed (See below).

†Original notice of the question was received in Hindi.

(b) to (d) The decision to terminate the services of an employee under the said clause or not depends on the reply given by the teacher to the notice. A procedure has been laid down for it, which does not discriminate anyone.

(e) The information is being collected from the concerned Regional Offices and will be placed on the Table of the Sabha.

Statement

***Removal of KV Teachers Under Education Code
CODE***

Article 81 (D). Voluntary Abandonment of Service

- (1) If an employee has been absent/remains absent without sanctioned leave or beyond the period of leave originally granted or subsequently extended, he shall provisionally lose his lien on his post unless:—
 - (a) he returns within fifteen calendar days of the commencement of the absence or the expiry of leave originally granted or subsequently extended, as the case may be; and
 - (b) satisfies the appointing authority that his absence or his inability to return on the expiry of the leave as the case may be was for reasons beyond his control. The employee not reporting for duty within fifteen calendar days and satisfactorily explaining the reasons for such absence as aforesaid shall be deemed to have voluntarily abandoned his service and would thereby provisionally lose lien on his post.
- (2) An employee who has provisionally lost lien on his post in terms of the aforesaid provisions, shall not be entitled to the pay and allowances or any other benefit after he has provisionally lost lien on his post provided that payment of such pay and allowances will be regulated by such directions as

the appointing authority may issue while ordering reinstatement of the employee in terms of Sub-clause (6) of this Article.

- (3) In cases falling under Sub-clause (1) of this Article, an order recording the factum of voluntary abandonment of service by the employee and provisional loss of his lien on the post, shall be made and communicated to the employee concerned at the address recorded in his service book and/or his last known address, to show cause why the provisional order above mentioned may not be confirmed.
- (4) The employee may make a written representation to the appointing authority, within ten days of receipt of the order made under Sub-clause (3).
- (5) The appointing authority may on receipt of the representation, if any, and perusal of materials, available on record as also those submitted by the employee, grant, at his discretion, an oral hearing to the employee concerned to represent his case.
- (6) If the appointing authority is satisfied after such hearing that the employee concerned has voluntarily abandoned his service in terms of the provisions of Sub-clause (1) of this Article, he shall pass an order confirming the loss of employee's lien on his post and in that event, the employee concerned shall be deemed to have been removed from the service of the Kendriya Vidyalaya Sangathan with effect from the date of his remaining absent. In case the appointing authority is satisfied that the provision of Sub-clause (1) of Clause (d) of this Article are not attracted in the facts and circumstances of the case, he may order re-instatement of employee to the post last held by him, subject to such directions as he may give regarding the pay and allowances for the period of absence.
- (7) **APPELLATE AUTHORITY:** An employee aggrieved by an order passed under Sub-clause (6) of this Article may prefer an appeal to the Appellate Authority as notified by the Kendriya Vidyalaya Sangathan from time to time.

- (8) **PERIOD OF LIMITATION FOR APPEALS:** No appeal preferred under this Article shall be entertained unless it is preferred within a period of 45 days from the date on which a copy of the order appealed against is served on the appellant provided that the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant was prevented by sufficient cause from not preferring the appeal in time.
- (9) **FORM AND CONTENTS OF APPEAL:** Form and contents of appeal shall *mutatis mutandis* be the same as prescribed under the CCS (CCA) Rules 1965.
- (10) **CONSIDERATION OF APPEAL:** The appellate authority shall consider:
- whether the requirements laid down under Sub-clause (1), (3), (5) and (6) of this Article have been complied with and, if not, whether such non-compliance has resulted in failure of justice;
 - whether the order confirming loss of employee's lien on his post and his consequent removal from service is warranted on record; and
 - pass order confirming modifying or setting aside the order passed under Sub-clause (6) of this Article.
- (11) **IMPLEMENTATION OF ORDER OF APPEAL:** The appointing authority shall give effect to the order passed by the Appellate Authority.
- (12) **FINALITY OF ORDER PASSED IN APPEAL:** The order of the Appellate Authority made under this Article shall be final and shall not be called in question by way of any further application/petition for revision, review etc.
- (13) **APPLICABILITY OF THE CCS (CCA) RULES:** In matters falling under this Article and in those matters alone the procedure prescribed for holding inquiry in accordance with the CCS (Classification, Control & Appeal) Rules 1965 as applicable to the employees of the Kendriya Vidyalaya Sangathan as also other provisions of the said rules which are not consistent with the provisions of this Article shall stand dispensed with.

- (14) **REMOVAL OF DIFFICULTIES:** Notwithstanding anything contained in any rule or order for the time being in force in KVS, the Commissioner KVS may, with the approval of the Vice-Chairman, KVS issue such instructions as he may deem fit to remove difficulties in the implementation of these provisions.
- (15) **POWER TO ISSUE INSTRUCTIONS:** Without prejudice to the generality of the foregoing provisions, the Commissioner, Kendriya Vidyalaya Sangathan may, with the approval of the Vice-Chairman, Kendriya Vidyalaya Sangathan, issue, from time to time (whether by way of relaxation of the aforesaid provisions or otherwise) general or special orders as to the guidelines, principles or procedures to be followed in giving effect to the provisions of this Article.

Navodaya Vidyalayas in Chhattisgarh

†2867. **SHRI DILIP SINGH JUDEV:** Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) at which places Navodaya Vidyalayas have been sanctioned in Chhattisgarh;

(b) at which places these Vidyalayas were sanctioned during 2000-2001 and 2001-2002;

(c) the facilities provided for these Vidyalayas by the State Government; and

(d) the details regarding the sanctioned and established Vidyalayas in Jashpur district?

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT [DR. (SHRIMATI) RITA VERMA]:(a) JNVs have been sanctioned in 10 districts in Chhattisgarh namely Dantiwada, Bilaspur, Durg, Raigarh, Raipur, Rajnandgaon, Sarguja, Mahasamund, Korba and Janjgir-Champa.

(b) The details of Vidyalaya sanctioned in Chhattisgarh during 2000-2001 & 2001-2002 are as under:

†Original notice of the question was received in Hindi.