**DR. A. RAGHU KUMAR**

 **ADVOCATE**

# Flat No.401, Shashank Residency, Steet No.11, Tarnaka, Hyderabad-17

By REGD.POST WITH ACK DUE

To

The Commissioner,

Navodaya Vidyalaya Samithi,

B-15, Sector 62, Institutional Area,

Noida, Uttar Pradesh.

Sir,

Sub: Recognition of All India Novodaya Vidyalaya Staff Association of our client under the Central Civil Services (Recognition of Service Association) Rules 1993 and to disburse the subscription for Union already deducted from the staff owing allegiance to our client and not to return the amounts under the guise of the inability of the administration to implement the rules in its proper perspective – reg.

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 Under the instructions of my Client Sri L.B.Reddy, representing as General Secretary, All India Navodaya Vidyalaya Staff Association (Regd.No.492/94), R/o. Warangal, I am issuing this legal notice to you.

1. That the AINVSA is a registered Staff Association registered with Regd.No.K.492/94 in the year 1994 and has been functioning as such. Due to the inefficient functioning of the original Body, the internal elections held on 27-04-2008 at AP Bhavan, New Delhi , the body consisting of Sri Jagadish Rai, as President and my client as General Secretary and other Office Bearers have been elected and they have taken reins of the Association since 2008. The earlier body has virtually become defunct and in the contest of verification of membership under the Central Civil Services (Recognition of Service Association) Rules 1993, my client’s Body has secured the absolute confidence of the members of staff. This is a well recognized fact even to the department, which can be established by the internal note of the very department wherein it has been observed that out of total staff strength of 18599, 12194 have given authorization letters for deduction of subscription to my client’s body all over the India which amounts 65.56 percent of the total staff. The earlier body of AINVSA rep by Sri T.P.Mani could secure the authorization of only 146 staff members all over the India which comes to 0.78 percent of the staff.

2. That the above figures are not the claims of the rival groups but the statistics available in your own office as per the note sheets made available under RTI. With all the knowledge of the claims and the knowledge that this Association representing 65.56% of the staff members you fail to adhere to the basic principles of law and the rules relating to CCS (RSA) Rules 1993 and refused to accord recognition to our Body. It is unfortunate that a small group of people representing only 146 staff members out of 18599 are able to prevent the functioning of a Body consisting of 12194 staff members and the management of the NVS is falling into the trap of this miniscule group and virtually defeating the avowed policy of the Government of India conveyed through the Trade Union Act 1926 and the CCS (RSA) Rules 1993. The Government has been providing the highest priority to the representative character of the Unions / Associations all over the India and its policy guidelines are very clear and unambiguous. However, the NVS Management (is) artificially creating a situation as if there is an uncertainty in the claims of the rival group and thus refused to recognize both the parties. That it is well known in the Labour and Industrial Law and in the government sector that within the organization also there could be elections and when majority of the people within the Union / Association elect a particular Body that Body deserves to be recognized by the Management. In the instant case the management has adopted the CCS (RSA) Rules 1993 and introduced the Check-off system on its own and in the said process my clients secured the representation of 65.56 percentages of staff whereas the group represented by TP Mani secured only 0.78 percent. In real figures out of the total staff of 18599 my clients secured the authorization of 12194 people, whereas the said Sri TP Mani could secure only 146 staff members and having all these facts and figures being available with the management, the management feigns ignorance.

3. That now after our continuous representations for more than three years, instead acting according to the law and according to the rules on the subject matter, the management, probably under the influence of a miniscule group representing 0.78% of staff, apart from refusing to recognizing the legally entitled Body, now decides to even return the amount collected by it under the check-off system to the individual staff members virtually disabling the legally entitled group for the said amount and further disabling it in its functioning both financially and organizationally. It is an unfortunate decision communicated through the Assistant Commissioner’s letter dated 02.03.2016 to the Principles of the JNV under Hyderabad Region. We also came to know that similar letters have been issued by the other Regions. It is unfortunate that the management which has to uphold the law and the rules on the subject matter is disowning its own responsibility and is acting in such a way as to cripple the very organized Trade Union Movement in NVS.

Under these circumstances I call upon you to immediately grant recognition to the All India Navodaya Vidyalaya Staff Association rep by my client L.B.Reddy and also release the amounts collected towards subscription under the check-off system under CCS (RSA) Rules 1993 including the subsriptions already returned to the members to my client’s Body within 15 days from the date of receipt of this notice and also in the mean while restrain from returning back the subscription collected under check-off system under CCS (RSA) Rules 1993 to the individual members, failing which I have no other alternative remedy than to advice my clients to take appropriate proceedings under the law as available to them, for which you will be solely held responsible for all the costs and consequences arising there of.

DATE: 13.03.2016

PLACE: HYDERABAD DR.A.RAGHU KUMAR

 ADVOCATE

Note: Copy of this notice is retained by this office for necessary action.