

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P. No.419 OF 2003

IN

O.A. No.1638 OF 2002

New Delhi, this the 12th day of February, 2004

**HON'BLE SHRI V.K. MAJOTRA, VICE CHAIRMAN (A)**  
**HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

Dr. R.K. Sharma 'Ranjan',  
S/o Shri V.D. Sharma,  
Ex. Yoga Teacher of Kendriya Vidyalaya No.2,  
GWALIOR (M.P.).

Present Address :

House No.259/1221, B-2, Ajit Nagar Gate,  
A G R A -282 001. ....Applicant

(By Advocate : Shri D.N. Sharma)

Versus

Shri H.M. Cairae,  
Commissioner, Kendriya Vidyalaya Sangathan,  
18, Institutional Area, Shaned Jeet Singh Marg,  
New Delhi-110 016. ....Respondent

(By Advocate : Shri S. Rajappa)

**ORDER (ORAL)**

**SHRI V.K. MAJOTRA, VICE CHAIRMAN (A) :**

Learned counsel heard.

2. Learned counsel of the respondents, at the outset, has produced a copy of order dated 28.1.2004 issued by KVS reinstated the applicant in compliance of Tribunal's order dated 17.7.2003 "with immediate effect" and also stating that the reinstatement is "without pre-judice to the right of the KVS to conduct a fresh inquiry as per direction of Hon'ble CAT dated 17/07/2003". Learned counsel was asked to clarify the effective date of reinstatement of the applicant as also whether the respondents intend to conduct a fresh inquiry though period of implementation of the directions of the Court elapsed after three months of

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the receipt of Tribunal's order dated 17.7.2003. The orders were received by the respondents on 22.7.2003. Learned counsel stated that the effective date of reinstatement of the applicant is 28.1.2004, i.e., the date of issuing the Memorandum in compliance of Tribunal's directions.

3. Learned counsel stated that though order dated 28.1.2004 implies that the applicant has been reinstated w.e.f. 28.1.2004 and that KVS can start a fresh inquiry as per directions of the Tribunal's order dated 17.7.2003, he submitted that respondents will issue another Memorandum stating that the reinstatement will be effective from 17.7.2003 when the Tribunal passed its order and also that KVS will not conduct any inquiry against the applicant as the period stipulated for resuming the proceedings has expired.

4. With this assurance made on behalf of the respondents, the respondents are directed to pass fresh orders regarding reinstatement of the applicant and also that they will not resume disciplinary proceedings against the applicant in respect of alleged misconduct which forms <sup>ed the</sup> subject matter of the OA within a period of two months from today and <sup>as such the</sup> these proceedings are dropped and notice to the respondent - contemnor is discharged.

Issue DASTI.

*S. Raju*  
(SHANKER RAJU)  
MEMBER (J)

*V.K. Majotra*  
(V.K. MAJOTRA) 12.2.04  
VICE CHAIRMAN (A)

/ravi/