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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA 232/1999

New Delhi this the 8th day of November, 1999

Hon'ble Shri S.R. Adige, Vice Chairman(A)  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Dr. B. Lal,  
PGT(History)  
R/O Qtr.No.B-4,  
Kendriya Vidyalaya Sikh Lines,  
Meerut Cantt.(UP)

.. Applicant

(By Advocate Sh. Talwant Singh  
alongwith Sh. S. N. Pandey )

Versus

1. Union of India through  
Secretary,  
Ministry of Human Resources  
Development, New Delhi.

2. The Commissioner,  
Kendriya Vidyalaya Sangathan  
(Vigilance Section)  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-16

3. The Assistant Commissioner,  
K.V.S. Regional Office,  
Dehradun(UP)

4. The Principal  
K.V.S.L.  
Meerut Cantt.(UP)

.. Respondents

(By Advocate Shri S. Rajappa )

O R D E R (ORAL)

(Hon'ble Shri S.R. Adige, Vice Chairman (A))

Applicant impugns the respondents order dated 23.12.98  
and seeks restoration<sup>of</sup> his services with all consequential benefits.

2. We have heard applicant's counsel Sh. Talwant Singh  
and respondents counsel Sh. Rajappa.

3. The impugned order dated 23.12.1998 has been passed  
under CCS(CCA) Rules, 1965 but the procedure prescribed therein  
has been dispensed with for the reasons stated in the impugned  
order. Furthermore, the penalty has been imposed upon the  
applicant by invoking Article 81(b) of the Education Code.

4. The impugned order passed under CCS(CCA) Rules, 1965  
is an appealable order, but there is nothing on record to indicate  
that applicant has filed an appeal against the impugned order.


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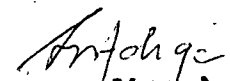
5. Applicant's counsel has invited our attention to the notice dated 22.12.1997 (Annexure A-9) and asserts that the same may be treated as an appeal but prima facie it is clear that this is a notice under Section 80 Cr.P.C. and is not an appeal. Moreover, it is not against the penalty of dismissal but against the order of suspension and moreover, and was filed even before the impugned penalty order was passed.

6. It is also well settled that before invoking the jurisdiction of the Tribunal applicants are required to exhaust the statutory remedies available to them.

7. As the impugned order was passed on 23.12.1998, prima-facie any appeal against the same would also hit by limitation.

8. Under the circumstances this OA is dismissed, leaving it open to the applicant to invoke such remedies as are available to him in accordance with law. No costs.

  
(Smt. Lakshmi Swaminathan)  
Member (J)

  
(S.R. Adiga)  
Vice Chairman (A)

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