

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2461/99

New Delhi, this the 9th day of August, 2000

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)  
HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

Ganga Prasad Yadav, S/O Sh. Nandan  
Yadav, R/O Simrahil Bazar, Supol (Bihar).

.....Applicant

(By Advocate: Sh. Yogesh Sharma)

Versus

1. Kenderiya Vidyalaya Sangthan  
through the Chairman, 18,  
Institution Area, Saheed Jeet  
Singh Marg, New Delhi-16.
2. The Chairman, Kenderiya Vidyalaya  
Sangthan 18, Institution Area,  
Saheed Jeet Singh Marg, New  
Delhi-16.
3. The Commissioner, Kenderiya  
Vidyalaya Sangthan 18, Institution  
Area, Saheed Jeet Singh Marg, New  
Delhi-16.

....Respondents

(By Advocate: Sh. S.Rajappa)

ORDER (Oral)

Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

The applicant is aggrieved by the order passed by Respondent-3 dated 8.3.99 (Annexure A-1) by which his services were terminated. It is seen from this order that an enquiry has<sup>be</sup>~~se~~ been held against the applicant for certain misconduct which culminated in the impugned termination order. In the reply filed by the respondents, admittedly, the applicant has submitted an appeal against the termination order to the Chairman, Kenderiya Vidyalaya Sangthan (K.V.S.) on 4.5.99 (Annexure A-2). According to the respondents, the applicant has filed this OA without exhausting the departmental remedies available to him. They have also stated that the Appellate Authority, who is to decide the matter

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(2)

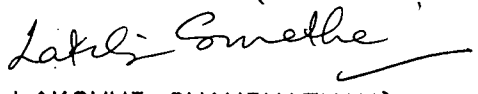
against the impugned termination order dated 8.3.99, is the Chairman, K.V.S.

2. We have heard both the learned counsel for the parties and perused the records. It is noted that after the applicant had filed his appeal to the Chairman, K.V.S. on 4.5.99, he has filed this OA on 15.11.99. Sh. Yogesh Sharma, learned counsel submits that under the rules, the Appellate Authority is the Chairman, K.V.S. which has, however, been disputed by the respondents. In any case, it was the duty of the respondents to <sup>have</sup> placed the appeal submitted by the applicant before the Competent Authority under the rules, which apparently they have not done so far.

3. In the facts and circumstances mentioned above, the OA is disposed of with the following directions:

Respondents to place the appeal submitted by the applicant dated 4.5.99 before the Competent Authority in accordance with the Rules, who shall dispose of the same by a reasoned and speaking order with a copy to the applicant. It shall be done within a period of six weeks from the date of receipt of a copy of this order. Parties to bear their own costs.

  
(S.A.T. RIZVI)  
MEMBER (A)

  
(MRS. LAKSHMI SWAMINATHAN)  
MEMBER (J)

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