

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.202/00497/2020

Jabalpur, this Tuesday, the 24th day of November, 2020

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Smt. Anusha Deepak Tyagi W/o Shri Deepak Kumar Age 30 years
Occupation Yoga Instructor Address 15 LNIPE Campus
Shaktinagar Mela Raod Gwalior (M.P.) 474002 **-Applicant**
(By Advocate –**Shri Tej Singh Mahadik**)

V e r s u s

1. Union of India, through Secretary Ministry of Youth Affairs and Sports Shri Ravi Mittal Address 3 C Wing Shashtri Bhawan New Delhi 110001

2. University Grant Commission Through its Secretary Prof. Rajnish Jain, Address Bahadur Shah Zafar Marg, ITO Metro Gate Number 3 Road, New Delhi 110002

3. Laxmi Bai National Physcial Institute of Physical Education through its Registrar-in-charge Shri Mahendra Kr. Singh, Address Shaktinagar, Mela Road, Gwalior (M.P.) 474002

4. Board of Management through its members Prof. D.K. Dureha (Chairperson) Laxmibai National Physical Institute of Physical Education Address Address: LNIPE Mela Road, Gwalior (M.P.) 474002

5. Ms. Payel Das D/o Not Known, Age 30 years Occupation: Assistant Professor R/o House NO.97 LNIPE Gwalior 474002

6. Smt. Indu Bora, D/o Not Known, Age 58 years Occupation: Professor R/o House No.4 LNIPE Gwalior 474002

7. Shri Janak Singh Shekhavat Aged 62 years, Occupation (Ex-registrar) R/o Plot No.34 Kuber Nagar, Gandhi Path West Vaishali Nagar Jaipur (Rajasthan) **- Respondents**

(By Advocate –**Shri S.P. Singh**)

O R D E R (Oral)**By Ramesh Singh Thakur, JM:-**

Heard.



2. This Original Application has been filed against the order dated 01.07.2020 issued by respondent Nos.3 and 4 whereby Board of Management approved/confirmed the probation period of one of the delinquent in sexual harassment matter of the applicant.

3. From the pleadings the case of the applicant is that the applicant is holding the post of Yoga Instructor in LNIPE Gwalior since 2015 and in month of March 2019 Mr. Dilip Kr. Dureha (Vice Chancellor) tried to molest her whereon applicant objected and made complaint to the concerned police station and to the SP Gwalior. The respondent No.4 used to keep enmity with the applicant therefore asked his accomplices namely Shri Janak Singh Shekhavat (Ex registrar) Smt. Indu Bora and Ms. Payal Das to harass the applicant by false complaints. All these employees are the respondents i.e. respondents Nos.5 to 7 in the present O.A. In this O.A. the grounds for

challenging the confirmation/approval of private respondent Nos.5 and 6, on the grounds that the impugned action of the respondents i.e. confirmation/approval of respondents nos.5 and 6 is consequence about the connivance of the main accused with respondents Nos.5 and 6.



4. At this stage, the counsel for the respondents has objected regarding the maintainability of the O.A. on the ground that the applicant is not aggrieved by any order as per Section 19 of the Administrative Tribunal Act, 1985.

5. We have heard the learned counsel for both the parties regarding the locus of the applicant for the maintainability of the O.A. As per Section 19 of the Administrative Tribunal Act, 1985, *“a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance”*.

6. The applicant has failed to convince us on the fact as to how the applicant has been aggrieved. It seems that the

applicant is aggrieved by confirmation/approval of the private respondents Nos.5 and 6. The applicant has failed to show us how confirmation/approval of the respondent Nos.5 and 6 made by the respondents has affected him. It is very clear that no adverse order has been passed by the competent authority against the applicant in any manner.



7. Resultantly, we are of the affirmed view that the applicant does not come within the definition of aggrieved person as no order has been passed against him.

8. Accordingly, this O.A. is dismissed as not maintainable.

(Naini Jayaseelan)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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