

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/21/ 179 of 2021

HYDERABAD, this the 1st day of March, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



Smt. D. Prameela Kumari,
Aged about 54 years,
W/o. D. Adi Pratap Kumar,
Physical Education Teacher,
Jawahar Navodaya Vidyalaya,
Warangal, Siddipet, TS – 502 279.

...Applicant

(By Advocate : Mr. T. Koteswara Rao)

Vs.

1. Navodaya Vidyalaya Samiti rep. by its
Commissioner,
Plot No.B-15, Sector 62, Block B,
Institutional Area, NOIDA,
U.P. – 201 307.
2. Joint Commissioner (Personnel),
Navodaya Vidyalaya Samiti,
Plot No.B-15, Sector 62, Block B,
Institutional Area, NOIDA,
U.P. – 201 307.
3. The Dy. Commissioner Navodaya
Vidyalaya Samiti, Hyderabad Region &
Disciplinary Authority,
Nalagandla Road, Gopanapally,
Hyderabad – 500 107.
4. The Central Bureau of Investigation rep. by
its Superintendent of Police,
1-83-21/4, MVP Colony, Sector 8,
Vishakhapatnam – 530 018.

....Respondents

(By Advocate : Mr. N. Srinatha Rao, SC for NVS)

ORAL ORDER
(Per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

Through Video Conferencing:



2. The present O.A. is filed challenging the inaction of the 2nd respondent in deciding the appeal dated 29.01.2018 preferred u/S 23 of CCS (CCA) Rules 1965 against the Order P.F. No.TPT/26-82/NVS (HR) (Estt.II)/2017/3412 dated 20.12.2017 issued by the 3rd respondent, whereby the punishment of 'Censure' was imposed on the applicant, and seeking to quash and set aside the said impugned order dated 20.12.2017.

3. Brief facts of the case are that the applicant while working as Physical Education Teacher was charge sheeted on 17.1.2013 for acquiring disproportionate assets. The applicant denied the charges on 30.01.2013 and sought copies of the documents so as to submit her written statement. The said charge sheet was substituted with another one dated 22.5.2013 for alleged misconduct of buying two immovable properties without the knowledge of the competent authority. The inquiry authority vide Daily Order sheet dt. 2.12.2015 has rejected the exhibits pertaining to property returns of the applicant which are meant to prove the charge against the applicant. Besides, inquiry authority has directed the applicant to submit the defence brief without examining the case of the applicant. Based on the I.O. report dated 12.1.2017, the disciplinary authority has imposed the penalty of 'Censure' vide Memo dated 20.12.2017. Appeal preferred on 29.1.2018 is pending and hence the OA.

4. The contentions of the applicant are that the disciplinary authority has succumbed to pressures from the CBI in issuing the charge sheet dated 17.1.2013. CBI has no powers either to recommend disciplinary action or monitor the disciplinary matters. The initial charge sheet was replaced with another one on 22.5.2013 without assigning reasons. The disciplinary authority has not justified the imposition of the penalty in question. No documents were submitted to prove the charge during the inquiry. Non supply of the personal file containing the correspondence between CBI and the respondents has vitiated the disciplinary proceedings. The inquiry report is ambiguous and has relied upon information which is not a part of the inquiry.



5. Heard both the counsel and perused the pleadings on record.

6. I. The grievance of the applicant is that the appeal preferred by her has not been disposed. The applicant was proceeded against on disciplinary grounds for not obtaining the permission of the competent authority for buying two immovable properties. The penalty imposed was censure, which has been challenged by way of an appeal. The applicant prays that the appeal filed on 29.1.2018 should be disposed of.

Considering the facts of the case, the respondents are directed to dispose of the appeal of the applicant in 3 months time from the date receipt of this order by issuing a speaking and reasoned order, in accordance with extant rules and as per law.

With the above direction, the OA is disposed of with no order as to costs, at the admission stage without going into the merits of the case.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/