

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 904/2004

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New Delhi, this the 19th day of April, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Sh. Bharat Bhushan Lakhina
S/o Late Sh. A.C.Lakhina
99-B, Single Storey Ramesh Nagar
New Delhi - 15

...Applicant

(By Advocate Sh. Rajiv Kumar)

V E R S U S

1. Commissioner KVS
18, Institutional Area,
Shaheed Jeet Singh Marg
New Delhi.

2. Asstt. Commissioner
KVS, JNU Campus (Delhi Region)
New Mehrauli Road
New Delhi - 110 067.

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha.

The applicant appears to have approached this Tribunal second time. Earlier he had approached the Tribunal vide OA 2453/2003 which was disposed of on 10-10-2003 with an observation that the application was pre-mature and further that the applicant might prefer an appeal, in the first instance, and further that she might take necessary steps if so advised in case there was disobedience of any directions of the Tribunal.

2. The applicant has submitted that his appeal as filed against KVS order dated 15-9-2003 regarding removal from service under Article 81 (d) of the Education Code of KVS, addressed to the Lt. Commissioner (Admn) with the supplementary appeal against the order of KVS have still been pending with the respondents. According to him, the respondents should have considered and disposed of his appeal



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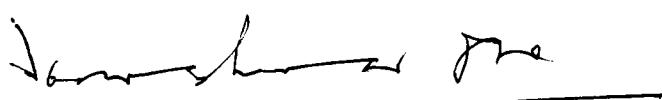
(2)

as observed by the Tribunal in the order as referred to hereinabove.

3. The applicant has, therefore, at this stage made a limited prayer that her OA could be disposed of with directions to the respondents to consider her appeal as observed by the Tribunal earlier and to dispose it of by issuing a reasoned and speaking order as per law.

4. Having regard to the facts and circumstances of the case and also the fact that the Tribunal has already passed some observations in the matter earlier, taking a view that the said application was pre-mature as the applicant should have preferred an appeal in the first instance and also further that she could take necessary steps, if so advised, in case there is any disobedience of any directions of the Tribunal and further that position has not changed materially even today, I am of the considered opinion that this OA, as prayed for by the applicant, can be disposed of at this stage itself while hearing on the point of admission without issuing notices to the respondents with directions to them that they consider the appeal/representation as submitted by the applicant and as referred to hereinabove and dispose it of by issuing a reasoned and speaking order as per law within a period of two months from the date of receipt of a copy of this order.

5. With this, this OA stands disposed of.


(Sarweshwar Jha)
Member (A)

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