

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Dated: Allahabad, the 10th day of October, 2001.

Coram: Hon'ble Mr. Justice R. R.K. Trivedi, VC

ORIGINAL APPLICATION NO. 1179 OF 2001

Dinesh Kumar Mishra,
s/o Sri Roshan Lal Mishra,
r/o 20, Dashrath Kunj, Arjun Nagar,
District Agra.

(In person) Applicant

By Advocate: Sri Ajay Rajendra

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Sector 'J',
Aliganj, Lucknow.
3. The Principal Sri G.S. Saini,
Kendriya Vidyalaya School No.1,
Air Force Station, Agra.

. Respondents

By Advocate: Sri N.P. Singh



O R D E R

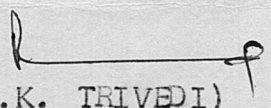
(ORAL)

(By Hon'ble Mr. Justice R. R. K. Trivedi, VC)

By this O.A., the applicant has challenged the order dated 18th September, 2001, passed by Assistant Commissioner, Kendriya Vidyalaya Sangathan, Lucknow, Respondent No.2, by which he has suspended the applicant under Sub Rule 1 of Rule 10 of CCS (CCA) Rules, 1965. After hearing the applicant and Sri S.A. Khan for respondents, in my opinion, the applicant has a statutory alternative remedy under rule 10(5)(c) of CCS (CCA) Rules, 1965 by making a representation against the order of suspension before the superior authority. In the present case, Dy. Commissioner/Commissioner is the competent authority, who may modify or revoke the order after hearing the applicant. As the applicant has not availed the alternative remedy, it is not a fit case for interference at this stage except for a direction to decide the representation of the applicant at an early date.

2. The O.A. is accordingly disposed of finally, with a liberty to the applicant to make an application before Deputy Commissioner (Admn)/Commissioner, Kendriya Vidyalaya Sangathan, Lucknow within a week. If the application is filed along with a copy of this order, it shall be considered and decided within a month by a reasoned order. There will be no order as to costs.

Copy of the order shall be given within 24 hrs.


(R.R.K. TRIVEDI)

VICE-CHAIRMAN

Nath/