

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1286 of 2001

Allahabad this the 16th day of May, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Mr.C.S. Chadha, Member (A)

Dr. Indra Datta Pandey S/o Late Sri Awadh Bihari  
Pandey R/o 372 Harpur Ballia(Opposite Street  
S.B.I.) Distt. Ballia.

Applicant

By Advocate Shri Saumitra Singh

Versus

1. Union of India through the Secretary Ministry of Human Resources and Development, Deptt. of Education, Govt. of India, New Delhi.
2. Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. Asstt. Commissioner, Kendriya Vidyalaya Sangathan Lucknow Region, Lucknow.
4. Education Officer(Vigilance) Kendriya Vidyalaya Sangathan(Vigilance) New Delhi.

Respondents

By Advocate Shri N.P. Singh

O\_R\_D\_E\_R ( Oral )

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. under Section 19 of the Administrative Tribunals Act, 1985 the applicant has challenged the order dated 27.07.01 passed by

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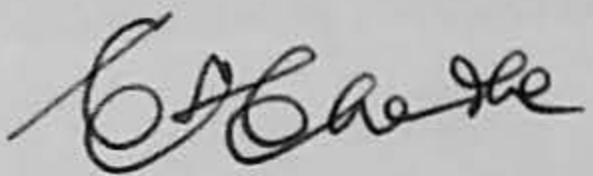
Commissioner, Kendriya Vidyalaya Sangathan by which the applicant has been terminated from the service of Kendriya Vidyalaya, Kooch Bihar on the charge that he was found the guilty ~~of the charge~~ of immoral sexual behaviour towards a girl student of class IX of Kendriya Vidyalaya, Kooch Bihar during the academic session of 1992-93 in Vidyalaya premises on 07.11.92. Shri N.P. Singh has submitted that against the aforesaid order, the applicant has a statutory right of appeal under Article 81(c) of the Kendriya Vidyalaya Sangathan Education Code. He has also filed a copy of <sup>Rule</sup> 81(c) where ~~an~~ appeal is provided. This O.A. was filed on 07.11.01 i.e. well within the period of limitation provided under Section 21 of the Administrative Tribunals Act, 1985. The application was entertained and the counsel for the respondents was granted 3 weeks time to file the C.A. It has been pending since then before this Tribunal. In the <sup>shall be</sup> circumstances, in our opinion, it ~~is~~ in the interest of justice to direct the applicant to avail the alternative remedy of appeal provided under Article 81(c) mentioned above, however, the protection may be given that if the appeal is filed according to this order, it shall be treated within time, and shall be decided in accordance with law.

2. In the circumstances, the application stands disposed of with the liberty to the applicant to file an appeal against the order dated 27.07.2001(ann.-1)

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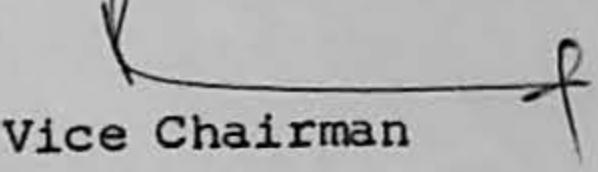
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within a period of 3 weeks. The appeal, if so filed, shall be considered and decided by the appellate authority, treating the same within time, on merits in accordance with law within a period of 3 months from the date of filing. No order as to costs.



Member (A)

/M. M./



Vice Chairman