

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 17<sup>th</sup> day of December, 2004.

**Original Application No. 800 of 2004.**

Hon'ble Mrs. Meera Chhibber, Member-J.  
Hon'ble Mr. S.C. Chaube, Member-A.

R.P. Pandey S/o Sri Sharda Pandey R/o Village- Patkhauli  
PO. Baharia, Distt. Ghazipur.

.....Applicant

Counsel for the applicant: - Sri D.N. Dubey  
Sri R.K. Singh  
Sri S.P.S Yadav

V E R S U S

1. Union of India through Commissioner, Kendriya Vidyalaya Sangathan , New Mehrauli Road, Shahid Jeet Singh Marg, New Delhi.
2. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Kankar Bagh, P.O. Lohia Nagar, Patna.
3. Principal, Kendriya Vidyalaya, Ghazipur.

.....Respondents.

Counsel for the respondents: - Sri N.P. Singh

**O R D E R**

**By Hon'ble Mrs. Meera Chhibber, JM.**

It is seen that the CA was filed on 23.08.2004 after serving copy on the applicant's counsel but till date applicant's counsel has not filed RA nor he ~~has~~ is present in court today which shows that he is not interested to prosecute this case any longer. However, on merits also we have heard counsel for the respondents by attracting rule 16(i) of CAT (Procedure) Rules, 1985 and are satisfied that the relief as prayed by the applicant cannot be given in view of the facts which have been placed by the counsel for the respondents.

2. By this OA applicant has challenged the order-dated 27.04.2004 whereby he was suspended on the ground that disciplinary proceeding against Sri R.P Pandey (PET) of Kendriya Vidyalaya, Ghazipur is

contemplated. It is submitted by the applicant that he was discharging his duties <sup>to the P</sup> with entire satisfaction of the authorities concerned sincerely and honestly and his work and conduct has always been appreciated. While suspending him no reasons have been given and he has not even been paid the subsistence allowance. He has thus submitted that the suspension order may be quashed, as there is no complaint made against him at any stage.

3. Respondents on the other hand have submitted that during April, 2004 Kendriya Vidyalaya Sangathan, Regional Office, Patna organized an adventure trip wherein about 40 students from various Vidyalays of Patna Region <sup>had 18</sup> were participated and the Principal, Kendriya Vidyalaya, Mau was entrusted with responsibility and coordination of the activity and the applicant and Mrs. Meera Srivastava, Librarian, Kendriya Vidyalaya, Azamgarh were the escort for the boys and girls. On number of complaints received from Tourista India and lady escort as well as statements given by the participant students on the alleged un-civilised behaviour of the applicant during the adventure trip, remarks on lady escort, loitering near the girls toilet and drinking liquor and exhibiting immoral behaviour to boy participant Master Gaurav Pandey of class IX of Kendriya Vidyalaya, competent authority placed the applicant under suspension vide order dated 27.04.2004. The order of subsistence allowance was also issued vide order dated 05.05.2004. On receipt of the documents, summary inquiry has been ordered to be conducted by the Complaints Redressal Committee constituted by the Regional Office. If the applicant is found *prima facie* guilty of the charge by the Committee, the case will be forwarded to Commissioner, KVS for taking action under article 81(b) of the Education Code. They have thus submitted that it was necessary to place the applicant under suspension in the interest of justice. He has thus prayed that since this is a case of



*Turbhade B*  
moral attitude, it calls for no interference by the Tribunal and the OA may be dismissed.

4. We are satisfied after seeing the reply filed by the respondents that a case has been made out for keeping the applicant under suspension. It is a rather <sup>a</sup> serious matter and since the respondents ~~have are~~ <sup>are</sup> *B* taking appropriate action in accordance with rules, we do not think this case calls for any interference. Of course, in case, subsistence allowance has not been paid to the applicant, the same shall be paid to him in accordance with rules forthwith

5. In view of above discussion we find no merit in the OA and the <sup>accordingly B</sup> *B* same is dismissed with no order as to costs.

*Shank*  
MEMBER-A.

*S*  
MEMBER-J.

/ANAND/