

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.126 OF 2005  
ALLAHABAD THIS THE 11TH DAY OF FEBRUARY, 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

Smt. Sunita Rani,  
aged about 35 years,  
W/o Shri Mahendra Kumar,  
R/o C/o Mahendra Confectionary Shop No.4, Ground Floor,  
Ekta Dwar Complex, Company Bagh,  
Moradabad-244001.

. . . . . Applicant

( By Advocate Shri N.K. Singh )

Versus

1. Union of India,  
through the Secretary,  
Ministry of Human Resources & Development,  
South Block, New Delhi.
2. The Joint Commissioner (Admn.),  
Kendriya Vidyalaya Sangathan,  
(Vigilance Section), 18 Institutional Area,  
Saheed Jeeb Singh Marg,  
New Delhi-110016.
3. The Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Dehradun Region, Salawala, Hathibarkala,  
Dehradun.
4. Shri S.D. Arora,  
Principal, Kendriya Vidyalaya,  
Near Railway Stadium,



Moradabad-244001.

.....Respondents

( By Advocate Shri N.P. Singh )

O\_R\_D\_E\_R

The instant original application seeks issuance of a direction in the nature of certiorari quashing the impugned order of suspension dated 19.09.2002 as well as chargesheet dated 13.11.2002 coupled with the direction to the third respondent not to interfere with the peaceful working of the applicant as Lower Division Clerk in Kendriya Vidyalaya, Near Railway Stadium, Moradabad. The charges referred to in Annexure-1 to the charge memo dated 13.11.2002 include the charge of accepting a bribe of Rs.4,000/- in cash from Shri Uday Pal Singh Son of Shri Shyam Lal Singh, Wala Ki Saraya, H.NO.2290/8-A, Moradabad as illegal gratification, for managing admission of his daughter in Class-VI in Kendriya Vidyalaya, Moradabad. The charges are all of grave nature and in the event of being established at the enquiry may lead to imposition of major penalty. Judicial interference at the threshold of the disciplinary enquiry is impermissible except on limited grounds such as lack of jurisdiction or any statutory bar. No such ground is alleged nor made out. It is not possible for the Tribunal to go into the correctness or otherwise of the charges including the charge of illegal gratification levelled against the applicant. Mere fact that .....



.....2/-




(14)

the applicant had instituted a complaint under section 156(3) of the Code of Criminal Procedure against the Principal of the Institution alleging sexual harassment is not a ground to quash the suspension/charge memo. Principal is not the disciplinary authority, who in the instant case, happens to be the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Dehradun Region, Salawala, Hathibarkala, Dehradun.

2. In the facts and circumstances, I find no ground made out for interference at the threshold of the disciplinary proceedings.

3. Accordingly, the O.A. fails and is dismissed.  
No Costs.

  
Vice-Chairman

/ns/