

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the **21st** day of **January, 2010.**

**HON'BLE MR. A.K. GAUR, MEMBER- J.
HON'BLE MRS MANJULIKA GAUTAM, MEMBER- A.**

Original Application No. 1432 OF 2003.

Smt. Suman Jeet Kaur, aged about 40 years, W/o Shri Ajeet Singh, R/o Kendriya Vidyalaya Punjab Line, Meerut Cantt.

.....Applicant

VE R S U S

1. Union of India through Secretary of Ministry of Human Resource and Development, New Delhi.
2. Kendriya Vidyalaya Sangathan through Joint Commissioner, KVS, New Delhi.
3. Joint Commissioner (Admn) & Appellate Authority Kendriya Vidyalaya Sangathan (Vigilance Section) 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
4. Assistant Commissioner, KVS, Regional Office, Dehradun (Uttaranchal).
5. Shri B.C. Pokhriyal, Inquiry Officer, Principal K.V.S L Meerut.
6. Shri K.S. Malik, Presiding Officer, Principal K.V.S L Meerut.
7. Principal, K.V. Bulandshahar.
8. Shri Aqeel Ahamad, W.E.T K.V. Bulandshahar.
9. Principal, K.V. Punjab Line, Meerut Cantt.

.....Respondents

Present for applicant : Sri M.K. Upadhyaya

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Present for respondents :

Shri R.S. Mishra
Sri N.P Singh.
Shri Vinod Kumar
Shri Atul Saxena.

ORDER

BY HON'BLE MR. A.K. GAUR, J.M

We have heard Shri M.K. Upadhyaya, learned counsel for the applicant and Shri N.P. Singh, learned counsel for the respondents.

2. Shri M.K. Upadhyaya, learned counsel for the applicant invited our attention to the appellate order dated 09.10.2003 and submitted that he has taken several grounds in the memo of appeal but respondents has passed the impugned order in a most casual and perfunctory manner.

3. Shri N.P Singh, learned counsel for the respondents, on the other hand, submitted that the applicant has committed gross misconduct and he influenced other persons to beat the teacher of the institution. Learned counsel for the respondents has placed reliance on the decision reported in **2008 (2) Supreme 174 - Kendriya Vidyalaya Sangathan and Ors. Vs. Satbir Singh Mahla** and submitted that a person who physically assaults the Principal of the Institution is not a fit person to be retained as teacher.

4. Having heard the parties counsel at length, we are satisfied that the applicant has rightly argued that the appellate order is not speaking order. Appellate Order is

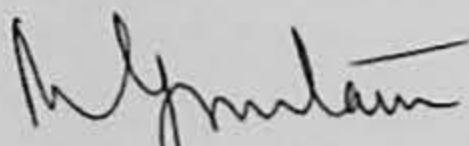
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cryptic and deserves to be dismissed in view of the following decisions of Apex Court:-

- (i) *AIR 1986 SC 1173: Ram Chand Vs. U.O.I. and Other.*
- (ii) *2006 (11) SCC 147: Director IOC Vs. Santosh Kumar.*
- (iii) *2005 (7) SCC 597: National Fertilizer Vs. P.K. Khanna.*
- (iv) *2006 SCC(L&S) 840 : N.M. Arya Vs. United Insurance Co.*
- (v) *2008(1) Supreme today, 617:DFO Vs. Madhusudan Rao.*
- (vi) *2008(8) SCC 236 State of Uttranchal Vs. Kharak Singh.*
- (vii) *JT 2009 (4) SC-519 Chairman Disciplinary Authority Rani Laxmi Bai Gramin Bank Vs. Jagdish Vashney & Ors.*

5. Having given our thoughtful consideration to the pleas advanced by the learned counsel for the parties, we are fully satisfied that the order dated 09.10.2003 has been passed by Competent Authority in a most casual and perfunctory manner, without application of mind. The order dated 09.10.2003 (Annexure-A-17) is quashed and set aside and the matter is remitted back to the competent authority for reconsideration of the case of the applicant, and pass appropriate reasoned and speaking order within a period of three months from the date of receipt of a certified copy of this order.

6. With the above direction, the OA is disposed of with no order as to costs.


Member (A)


Member (J)

Manish/-