

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.772 of 2003 (U).

Allahabad this the 22nd day of April 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

G.S. Srivastava
PGT (Chemistry)
Kendriya Vidyalaya No.2.
N.H.P.C. Campus, Banbasa,
Presently at G/46-48, NHPC Colony,
Banbasa P.O. Chandani, District
Champawat (Uttaranchal State).

.....Applicant.

(By Advocate : In-person)

Versus.

1. Kendriya Vidyalaya Sangathan,
through The Commissioner, (HQRS),
18, Institutional Area, Saheed Jeet Singh Marg,
New Delhi. 16.
2. The Joint Commissioner (Admn)
Kendriya Vidyalaya Sangathan (HQRS)
18, Institutional Area, Saheed Singh Marg,
New Delhi, 110016.
3. The Asstt. Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Salawala,
Hathibarkala, Dehradun (Uttaranchal)-248001.
4. The Principal,
Kendriya Vidyalaya No.2,
N.H.P.C Campus, Banbasa,
P.O.: Chandani, Distt: Champawat (Uttaranchal).
5. Smt. Bandana Chauhan,
P.G.T. (Chemistry).
Kendriya Vidyalaya No.2,
N.H.P.C Campus, Banbasa,
P.O. Chandani, Distt: Champawat (Uttaranchal).

.....Respondents.

(By Advocate : Sri N.P. Singh)

O_R_D_E_R_

(By Hon'ble Mr. Justice S.R. Singh, V.C.)

List has been revised. Applicant is absent and
there is no representation on his behalf.

RE

2. We have heard Sri N.P. Singh learned counsel for the respondents and perused the pleadings.

3. The applicant, it appears, was placed under suspension vide order dated 13.06.2001. Said order, it is submitted by the respondent's counsel, was set aside by the Tribunal vide order dated 14.01.2003, in compliance whereof, the Assistant Commissioner, by his order dated 19/20.01.2003 (Annexure A-1), revoked the suspension order in exercise of power under clause (c) of Sub Rule (5) of Rule 10 of C.C.S (C.C.A) Rules, 1965 and posted the applicant to Kendriya Vidyalaya No.2 Hathibarkala, Dehradun against clear vacancy of PGT (Chem). It appears that the applicant preferred representation dated 30.01.2003 which came to be rejected vide order dated 14.02.2003. The applicant it appears did not join the post to which he was posted by order dated 19/20.01.2003. A show cause notice dated 20.06.2003 came to be issued to the applicant calling upon him to explain why should he be not deemed to have voluntarily abandoned his service and provisionally lost his lien, deemed to have been removed from service?. The applicant filed his representation dated 25.06.2003. But the same was not found as convincing and satisfactory and accordingly the loss of lien on the post held by the applicant was confirmed and the applicant was held, to have voluntarily abandoned his service from the date of un-authorised absence. This is referable to clause (6) of Article 81(D) of Education Code for Kendriya Vidyalaya 2002 edition. Said order is appealable under Clause (VII) of Article 81 (D) of the Education Code. The applicant it appears, did not prefer an appeal against this order. Section 20 of Administrative Tribunals Act 1985 clearly provides that a Tribunal shall not "ordinarily" admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

14

3. In the circumstances, therefore, we dismissed the O.A. without prejudice to the right of the applicant to avail of the remedy of appeal according to law.

No costs.

Dheeraj
Member-(A)

Raj
Vice-Chairman.

Manish/-