

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 982 of 2003

Allahabad this the 12th day of September, 2003

Hon'ble Mr.A.K. Bhatnagar, Member (J)

Srimati Sunita Rani Sharma wife of Sri Ashok Kumar Sharma, ex Music Teacher, Kendriya Vidyalaya I.V.R.I. Resident of House No.84-A, Vaibhav Suncity Vistar, Bareilly, U.P.

Applicant

By Advocates Shri R.D. Agarwal,
Shri Neeraj Agarwal

Versus

1. Union of India through the Secretary, Ministry of Human Resources Development, New Delhi.
2. Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-16.
3. Education Officer, Offtg. Assistant Commissioner Kendriya Vidyalaya Sangathan Salawala, Hathibarkala, Dehradun.
4. The principal, Kendriya Vidyalay, I.V.R.I.Campus, Izatnagar, Bareilly.
5. The Principal, K.V., Joshimath.

Respondents

By Advocate Shri N.P. Singh

O R D E R (Oral)

By Hon'ble Mr.A.K. Bhatnagar, Jud.Member

This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 praying for quashing the impugned order dated 31.07.2003(ann.A-1)

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in regard to recovery for Rs.77,625/- of allotted quarter no.A/6/1 Babu Lines, I.V R.I. Campus, Izatnagar, Bareilly and further sought a direction to the respondents not to recover any amount from the applicant's salary for the official accommodation no.A/6/1, which has already been vacated by the applicant on 07.07.03.

2. The brief facts of the case are that the applicant was working as a Music Teacher in the respondents establishment and she was allotted residential accommodation quarter no.A/6/1 at I.V.R.I. Campus, Babu Lines, Izatnagar, Bareilly in the year 1991. She was transferred on 15.10.2001 from Bareilly to Joshi Math. The transfer order was challenged before the Tribunal by O.A .No.204/2002, in which the Tribunal passed the following order;

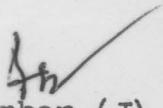
"para-3 I find it appropriate to dispose of this O.A. at admission stage itself with the direction to the respondents to consider and pass appropriate orders on the representation to be submitted by the applicant within a period of 30 days from the date of receipt of such representation. It is, however, provided that status quo as on today shall be maintained in respect of the posting of the applicant till the disposal of the representation of the applicant. The respondents are further directed to deal with the case of the applicant regarding vacation of the Government accommodation as per rules."

3. The grievance of the applicant now is that she has already vacated the quarter no.A/6/1 on 07.07.03 and the charge of house has been handed over to the respondents authorities. Inspite of that,

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the respondents have issued a letter dated 30/31-07-03 for recovery of Rs.77,625/- towards license fee, damage rent, electrical and water charges from the applicant. Aggrieved by this order, the applicant has filed this O.A.

4. Counsel for the respondents has submitted that this O.A. is premature, as it has been filed without exhausting the remedies available to the applicant under the law. I find force in the arguments of learned counsel for the respondents. From the perusal of O.A., I find that the applicant has not filed any appeal before the appellate authority for redressal of her grievance, and rushed to this Tribunal. ^{This} [✓] _{in} action of the applicant is / violation of Section 20 of the Administrative Tribunals Act, 1985. Accordingly O.A. is not maintainable before this Tribunal at this stage. ^{In view of the aforesaid,} _{the} O.A. is dismissed at the admission stage as premature and not maintainable. _{itself} / However, liberty is given to the applicant to file an appeal before the appellate authority regarding her grievance within 2 weeks and the appellate authority shall consider and decide the appeal of the applicant with a reasoned and speaking order within a period of one month from the date of receipt of appeal alongwith copy of this order. It is further provided that no recovery shall be made by the respondents till the appeal, if so filed, is decided. No order as to costs.


Member (J)

/M.M./