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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No.955 of 2007.

Allahabad, This the 05th day of October, 2007.

Hon'ble Mr. Shailendra Pandey, Member-A

Om Prakash Rai, Aged about 43 years, S/o late Sri Uma Shankar Rai, R/o B/17/12/ ONGC Colony, Kaulagarh Road, Dehradun.

...Applicant.

(By Advocate : Shri B.P. Dubey)

Versus

1. Kendriya Vidyalaya Sangathan 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi through Commissioner, Kendriya Vidyalaya Sangathan.
2. Commissioner, Kendriya Vidyalaya Sangathan 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Dehradun Region, Dehradun, Uttranchal.
4. Principal, Kendriya Vidyalaya ONGC, Dehradun.
5. Sri G.C. Nautiyal, Retired Principal Kendriya Vidyalaya ONGC, Dehradun, R/o 312 Dronpuri Gali No. 3 General Mahadev Singh Road, Dehradun.
6. Smt. Kumud Om Veer Singh, Vice-Principal, Kendriya Vidyalaya, ONGC, Dehradun

Respondents.

(By Advocate : Shri N.P. Singh)

ORDER


This case relates to suspension of an employee of KVS against whom an allegation of sexual harassment has been levelled, as a result of which suspension order was issued on 17.4.2006. The learned counsel for the respondents has brought to the notice of this Tribunal that the applicant had

not exhausted the remedy available to him by filing an appeal under the CCS (CCA) Rules against the order of suspension to the competent authority namely Joint Commissioner/Commissioner.

2. The applicant's counsel stated that although he may not have filed a formal appeal to the competent authority as provided in the CCS (CCA) Rules, but several times he has made requests to the Assistant Commissioner, KVS, Dehradun and others for various relief(s) and supply of documents. He has also mentioned that he has been under suspension for the last 17 months and has an ailing wife and four children and is being paid subsistence allowance @ 50% which has not been revised till date. He has also stated the enquiry against him has been prolonged and has not yet been completed. The applicant has further mentioned that he and his family have been suffering since 17 months.

3. Having regard to the position mentioned by the applicant's counsel, this Tribunal is of the view that the applicant should make a detailed representation/appeal against the order of suspension to the competent authority i.e. Joint Commissioner/Commissioner, KVS, who is directed to consider and decide the same within a period of three months from the date of receipt of such representation/appeal by passing a reasoned and speaking order.

4. The O.A. stands disposed of as above with no order as to costs.


MEMBER-A

Girish/-