

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.651 of 2010
Cuttack, this the 21st October, 2010

CORAM:
THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

.....
Shri Krushna Ch. Majhi, aged about 42 years, Son of Late Sasikanta Majhi, Ex-Primary Teacher, KV Surda, Ghatsila, Jharkhanda, At-Salapur, Po-Barasar, PS-Pirhat Bazar, Dist. Bhadrak, Orissa, PIN 756 131.

.....Applicant

By Legal Practitioner: Mr.Dillip Kumar Mohanty, Counsel

-Versus-

1. Kendriya Vidyalaya Sangathan represented through Vice-Chairman, Human Resource Development, Sashtri Bhawan, New Delhi-110 001.
2. The Commissioner, 18 Institutional Area, Shaheed Jit Singh Marg, New Delhi-110 602.
3. The Deputy Commissioner (Pers.), Kendriya Vidyalaya Sangathan, 18 Institutional Area, Saheedjeet Singh Marg, New Delhi-110 602.
4. The Assistant Commissioner (I/c), Kendriya Vidyalaya Sangathan, Regional Office, Pragati Vihar, Mancheswar, Bhubaneswar, Dist. Khurda.
5. The Principal, K.V.Surda, Ghatsila, Dist. Singhbhum.

.....Respondents

By Legal Practitioner: Mr.H.K.Tripathy, Counsel.

ORDER

MR. C.R.MOHAPATRA, MEMBER (ADMN.):

Applicant having been imposed with the order of termination under Article 81(B) [dispensing with the enquiry in the manner provided in the Rules] vide order under Annexure-A/14 dated 15-07-2010 pursuant to the Memorandum of allegation communicated under Annexure-A/12 dated 24.5.2010 has preferred appeal under Annexure-A/15 dated 31-07-2010. Thereafter, has approached this Tribunal in the present Original Application filed U/s.19 of the A.T. Act, 1985 seeking to quash the Memorandum under Annexure-A/12 dated 24.05.2010 (being baseless and after thought), the order of termination under Annexure-A/14 dated 15-07-2010 (being without authority and violation of principles of natural justice) and for direction to the Respondents to reinstate the Applicant with all consequential service and financial benefits retrospectively. Interim order prayed for by the Applicant in

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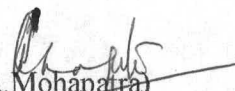
this Original Application is to stay the order under Annexure-A/14 dated 15.7.2010. Copies of this Original Application have already been served on Mr.H.K.Tripathy, Learned Counsel, appearing on notice, for the Respondents/KVS.

2. Heard Mr.Mohanty, Learned Counsel for the Applicant and Mr. Tripathy, Learned Counsel for the KVS/Respondents and perused the materials placed on record. It appears that the applicant preferred appeal on 31-07-2010 and has approached this Tribunal on 20th October, 2010 i.e. before expiry of the statutory period of six months provided in the A.T. Act, 1985. The reason of approaching this Tribunal prior to expiry of the statutory period, as explained by the Learned Counsel for the Applicant is stay the order of termination as no order has yet been passed on his appeal preferred by him by the Appellate Authority. Since the order of termination has already taken effect, question of granting stay does not arise. It was next submitted by Learned Counsel for the Applicant that the applicant is out of his livelihood by the order of termination illegally passed by the Respondents and, therefore, at least direction be issued to the Respondent No. 1 to dispose of the appeal preferred by him under Annexure-A/15 and the same is pending till date within a stipulated period. This was not contested much by Mr. Tripathy, Learned Counsel for the Applicant.

3. In view of the above, without expressing any opinion on the merit of the matter, this Original Application is disposed of at this admission stage with direction to the Respondent No.1 [Vice-Chairman, Human Resource Development, Sashtri Bhawan, New Delhi-110 001] to consider and dispose of the appeal of the applicant under Annexure-A/15 meeting all the points raised in his appeal, if not already disposed of by now, within a period of 60 days from the date of receipt of copy of this order and communicate

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result of such consideration in a well reasoned order to the Applicant. Send copies of this order along with OA to the Respondent Nos1&2 for compliance.


(C.R. Mohapatra)
Member (Admn.)

