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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00838 OF 2016
Cuttack, this the 14th Day of December, 2016

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

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Sudhansubala Tandey, aged about 60 years, D/o. Late Sishu Chandra Tandey, At- Palace Line, P.O. Bolangir, Dist. Bolangir

.....Applicant

(By the Advocates - M/s. D.K. Patnaik & J. Sahoo)

-VERSUS-

1. Commissioner, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Saheed Jeet Sing Marg, New Delhi-110016.
2. Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (H.Q), 18 Institutional Area, Saheed Jeet Sing Marg, New Delhi-110016.
3. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Dindayal Upadhyanagar, Sector-4, Raipur, Jharkhand.
4. Deputy Commissioner, Kendriya Vidyalaya Sangathan, At-Numkum Capus, Regional Officer Ranchi, Jharkhand.
5. Principal, Kendriya Vidyalaya No.2, At/P.O/Dist- Bolangir.
6. Principal, Kendriya Vidyalaya, K.V. Meghatuburu, OP in Ranchi Region, West Singhbhum, Jharkhand, Pin-833223.

.....Respondents

(By the Advocate - Mr. Hrusikesh Tripathy)

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr D.K. Patnaik, Learned Counsel for the Applicant and Mr. Hrusikesh Tripathy, Learned Standing Counsel appearing for Respondents, on whom a copy of this O.A. has already been served and perused the records.

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2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 18.11.2013 removing him from service. It is the case of the applicant that in spite of her repeated leave applications due to her illness, she was removed from service retrospectively with effect from 07.06.2012 with loss of lien on post of Primary Teacher without proper enquiry, in exercise of power conferred under article-81(D) of the Education Code. In the circumstances, applicant, in this O.A. has prayed for the following relief.

- (i) Quash the order of punishment dated 18.11.2013 under **Annexure-15**.
- (ii) Direct the respondents to allow the applicant to retire from service on the date of superannuation with all consequential and financial benefits.

3. Apart from the above, Applicant has made a further prayer for direction to be issued to respondents to dispose of the appeal by taking into consideration both the appeal filed vide under **Annexure-13 and 17** pending finalization of this O.A.

4. The short fact of the applicant's case is that the while working as a Primary Teacher in Kendriya Vidyalaya Sangathan No.2 Balangir, she was transferred to K.V. Meghataburu I.O.P. in Ranchi Region. Prior to the orders of transfer, applicant was on leave due to her illness. Therefore, she submitted a representation to cancel the transfer order. Since the transfer order was not cancelled, she submitted leave application for extension of leave. Inspite of that the Respondent No.3 issued charge memo as per Article 81(D) of the Education Code meant for K.V. for remaining absent. Thereafter, the applicant submitted her show



cause reply. The Respondent No.3 without considering the show cause reply in its proper perspective and without giving any opportunity to the applicant and without conducting an inquiry into the matter issued the order of Removal from service. However, the said order was not communicated to the applicant. Due to prolonged illness, applicant submitted an application seeking voluntary retirement from service. After receipt of the application, the Administrative Officers intimated that the order of removal has been passed against her. But no order has been communicated to the applicant. Therefore, applicant preferred appeals against removal order. In the appeal preferred by the applicant on 30.09.2015, she requested the appellate authority to consider her earlier appeal together. Both the appeals are stated to be pending with the Appellate Authority without being disposed of.

5. Since the appeals preferred by the applicant as aforesaid are stated to be pending before the Respondent No.1, at this stage, I am not inclined to issue notice asking the respondents to file their counter. Therefore, without going into the merit of the matter, I dispose of this O.A. at this admission stage with direction to Respondent No.1 to consider the aforesaid appeals, if at all filed and are still pending consideration, as per rules and regulations in force and communicate the result thereof to the applicant by way of a well reasoned order within a period of two months from the date of receipt of a copy of this order. Though, I have not expressed any opinion on the merit, all the points raised in the appeals are kept open to be considered by the appellate authority. It is made clear that if the applicant is

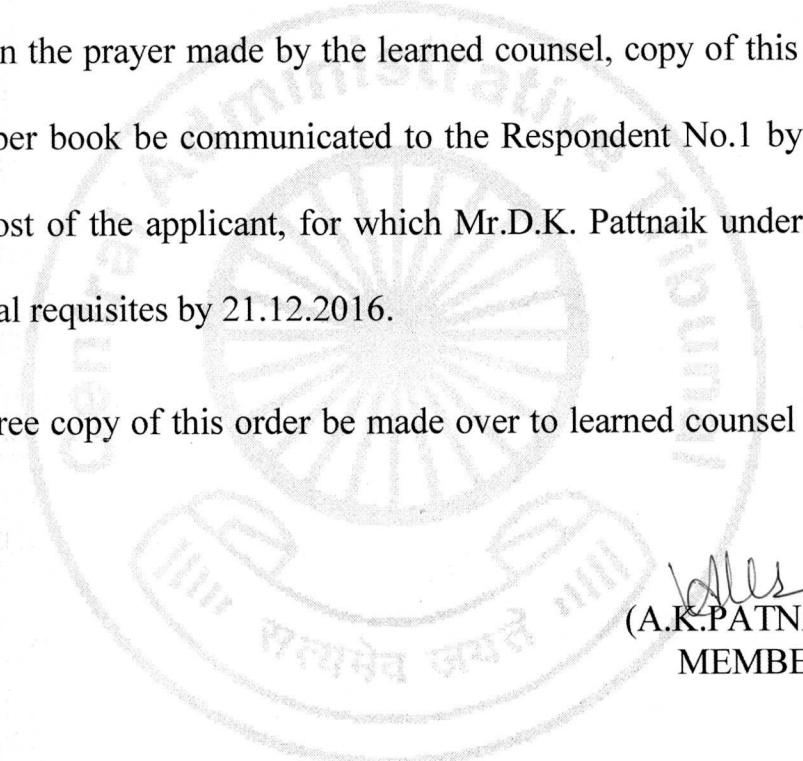


found to be entitled to the relief claimed by her then expeditious steps be taken to extend the said benefit in her favour within a further period of two months from the date of communication of decision. However, if in the meantime appeals have already been considered and disposed of, then the result thereof be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by the learned counsel, copy of this order along with paper book be communicated to the Respondent No.1 by Speed Post at the cost of the applicant, for which Mr.D.K. Patnaik undertakes to file the postal requisites by 21.12.2016.

8. Free copy of this order be made over to learned counsel for both the sides.


(A.K.PATNAIK)
MEMBER (J)