

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

Original Application No. 260/0046 of 2016
Cuttack, this the 2nd day of February, 2016

CORAM
HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

.....

Mrs. Sudesha Dutta,
aged about 56 years,
W/o Nagendranath Dasmohapatra,
Resident of Village/post-Purusottampur,
PS- Kamarda, Dist. Balasore, Odisha,
At present working as Vice-Principal,
Kendriya Vidyalaya No.1, Cuttack, Sector-1,
CDA, Bidanasi, Cuttack- 753014, Odisha.

...Applicant

(Advocates: M/s. K.C.Kanungo, C. Padhi)

VERSUS

Kendriya Vidyalaya Sangathan represented through

1. Commissioner,
Kendriya Vidyalaya Sangathan,
18, Constitutional Area,
Sahid Jeet Singh Marg,
New Delhi-110016.
2. Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Pragati Vihar Colony,
Mancheswar, Bhubaneswar-751017,
Dist- Khurda, Odisha.
3. Principal,
Kendriya Vidyalaya No.1,
Cuttack, Sector-1, CDA, Bidanasi,
Cuttack- 753014, Odisha.

... Respondents

(Advocate: Mr. H.K.Tripathy)

.....

Wll

ORDER (ORAL)

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

Heard Mr. K.C.Kanungo, Ld. Counsel for the Applicant, and Mr. H.K.Tripathy, Ld. Counsel appearing for the Respondents-KVS, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 assailing the order dated 26.11.2015 under Annexure-A/11 passed by Respondent No.2 and the letter of Respondent No.3 dated 05.01.2016 under Annexure-A/15 refusing leave of any kind to the applicant on the ground of manifest arbitrariness and gross illegality causing irreparable loss to her. The order dated 26.11.2015 reads as under:

“The Principal, KV No-1, Cuttack shall ensure that the Memorandum enclosed is served on Ms. Sudesha Dutta, VP and acknowledgement placed on official records after sending scanned copy to this RO. He shall ensure that reply is submitted by Ms. Sudesha Dutta, VP and the same is forwarded. The Principal shall not sanction any leave till this process is completed and issue is resolved. The original leave application dt. 12-11-2015 sent by Ms. Dutta, VP is forwarded.”

3. We find that ventilating her grievance the applicant has made an exhaustive representation before the Deputy Commissioner, i.e. Respondent No.2, on 11.12.2015 under Annexure-A/13. Mr. Kanungo, Ld. Counsel for the applicant, submitted that till date no response has been received by the applicant from the said Respondent No.2 on the said representation, who is very well at Bhubaneswar. In view of this, without going into the merit of the matter, we dispose of this O.A. at this admission stage itself, by directing Respondent No.2 to dispose of the said representation as per rules and regulations, if the

*P. m. m. 5.6.2016
on 18.01.2016
under
Annexure-A/16.)*
*Corrigendum
order dt. 16.02.16
in MA 103/16 in
O.A. 46/16.*
*P. m. m. 5.6.2016
L. 216.*

same has been preferred and is still pending consideration, and pass a reasoned and speaking order and communicate the same to the applicant within a period of two weeks from today. Though, we have not gone into the merit of the matter, we make it clear that all the points raised in the representation are kept open for the Respondent No.2 to consider the same as per the Rules, Regulations and law in force. It is, however, made clear that in case of emergency, if the petitioner gives any leave application with proper justification then the same may be granted by the authorities.

4. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

5. On the prayer made by Mr. Kanungo, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 04.02.2016.

6.  Free copy of this order be made over to Mr. H.K. Tripathy.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)

RK