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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00454 OF 2016
Cuttack, this the 12th day of July, 2016

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)
HON'BLE MR. S.K. PATTNAIK, MEMBER (J)
.....

Mrs. Pranati Kumari Subudhi, aged about 50 years, W/o. S.K. Sahoo, resident of At-409, Ashirvad Apartment, Bomikhali, Bhubaneswar, presently serving as PGT (Hindi), Kendriya Vidyalaya No.2, CRPF Campus, Bhubaneswar.

...Applicant

By the Advocate-M/s. D.K. Panda, G. Sinha, A. Mishra

-VERSUS-

Union of India Represented through

1. Secretary, Ministry of HRD, Shastri Bhawan, New Delhi.
2. Joint Commissioner, (ADM) Kendriya Vidyalaya Sangathan, 18 Institutional Area, Sahid Jeet Singh Marg, New Delhi-110016.
3. Deputy Commissioner, KVS Regional Office, Pragati Vihar Marg, Mancheswar, Bhubaneswar.
4. Principal, Kendriya Vidyalaya No.2, CRPF, Bhubaneswar.

...Respondents

By the Advocate- Mr. J.Sahoo

ORDER (Oral)

R.C.MISRA, MEMBER(A):

Heard Mr. D.K. Panda, Ld. Counsel appearing for the applicant and Mr. J.Sahoo, 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. Applicant is presently working as PGT(Hindi) in Kendriya Vidyalaya No.2, Bhubaneswar. Her case is that Principal of KV No.2(res.no.4) issued a Memorandum dated 11.3.2016 directing her to submit written explanation



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against the alleged misconduct within a stipulated time. Applicant submitted her explanation and in consideration of the same, res.no.4 issued a Memorandum of Charge for Minor Penalties, inter alia, with direction to submit representation within 10 days of the receipt of the said Memorandum. Against this, applicant submitted her representation dated 28.4.2016 and in consideration of the same, Principal, KV No.2(res.no.4) vide order dated 2.5.2016(A/5) imposed penalty of withholding of two future increments for a period of two years without cumulative effect on the applicant. Aggrieved with this, applicant submitted an appeal dated 10.5.2016 to the Deputy Commissioner(res.no.3) and while the appeal is under consideration, applicant has moved this Tribunal in this O.A. for quashing the orders of punishment at A/5 dated 2.5.2016.

3. We have considered the rival submissions. Since a statutory appeal is pending, we are not inclined to admit this O.A. In view of this, without expressing any opinion ^{on} ~~the~~ merit of the matter, we would direct res.no.3 to consider and dispose of the appeal preferred by the applicant in accordance with the rules and instructions and communicate the decision thereon to the applicant in a well-reasoned order within a period of three months from the date of receipt of this order.

4. At this stage, learned counsel for the applicant prayed that until the appeal is disposed of by the Appellate Authority, the operation of the punishment order passed by the Disciplinary Authority may be stayed. In our considered view, since the order sought to be stayed is not irrevocable, there is no ground for staying the same.



5.

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

6.

On the prayer made by the learned counsel copy of this order along with paper book of O.A. be sent to res.no.3 at the cost of the applicant for which Mr.A.Mishra undertakes to file the postal requisites by 13.7.2016.

7.

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


(S.K.PATTNAIK)
MEMBER(J)
BKS


(R.C.MISRA)
MEMBER(A)