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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.NO.248 OF 2013
Cuttack this the 25th day of April, 2013

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)
HON'BLE SHRI R.C.MISRA, MEMBER(A)

V.Satyanaryan Murty, aged about 45 years, Son of V.Dharma Rao, At-Paloor Bangla Street, Berhampur, Dist-Ganjam – at present residing in KVS Qrs. No.Type-3/3, Bhubaneswar, working as an Assistant, KVS, Sambalpur

...Applicant


By the Advocate-Mr.N.R.Routray

-VERSUS-

1. The Commissioner, Kendriya Vidyalaya Sangathan, Institutional Area, Shaheed Jit Singh Marg, New Delhi-110 602
2. Joint Commissioner (Admn.), Kendriya Vidyalaya Sangathan (HQ), 18, Institutional Area, Shaheed Jit Singh Marg, New Delhi-110 602
3. The Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Pragati Vihar Colony, Mancheswar, Bhubaneswar, Dist-Khurda, PIN-751 017
4. Principal, Kendriya Vidyalaya Sangathan, Sambalpur, At/PO/Town/Dist-Sambalpur

...Respondents

By the Advocate-Mr.H.K.Tripathy



ORDER(Oral)**HON'BLE SHRI A.K.PATNAIK, MEMBER(J):**

Heard Shri N.R.Routray, learned counsel for the applicant and Shri H.K.Tripathy, learned counsel appearing on behalf of Respondent – K.V and perused the materials on record.

2. The applicant in this Original Application has challenged the major punishment imposed on him vide order dated 19.12.2012, in the garb of proceedings initiated against him under Rule 16 of CCS(CCA) Rules, 1965. According to Shri Routray, without affording an opportunity to the applicant to defend himself and thus violating the principle of natural justice and as non-observance of the provisions as enshrined under CCS(CCA) Rules, 1965, punishment as imposed by the Disciplinary Authority is illegal and arbitrary. However, Shri Routray submitted that after the punishment order dated 19.12.2012 was issued, the applicant has preferred an appeal dated 5.2.2013 (Annexure-A/14) before the Appellate Authority, i.e. Respondent No.2 and even though in the meantime, more than two months have already elapsed, no order has been issued by the Appellate Authority. Shri H.K.Tripathy, learned counsel for



the Respondent-KVS has no instructions regarding pendency of the appeal before the Appellate Authority.

3. Accordingly, without entering into the merit of the case, we direct Respondent No.2, viz., Joint Commissioner Admn.), Kendriya Vidyalaya Sangathan (HQ), 18, Institutional Area, Shaheed Jit Singh Marg, New Delhi-110 602 to consider and dispose of the appeal preferred by the applicant against the order of the Disciplinary Authority, if not yet disposed of, and communicate the decision thereon to the applicant through a reasoned and speaking order within a period of sixty days from the date of receipt of this order.

4. Till the appeal of the applicant is considered and disposed of, the order passed by the Disciplinary Authority as at Annexure-A/13 will remain stayed.

5. With the above observation and direction, this O.A. is disposed of at the admission stage. No costs.

6. Send a copy of this order along with paper book of the O.A. to Respondent No.2 at the cost of the applicant for which Shri Routray undertakes to file the

[Signature]

postal requisites by 29.4.2013. Free copies of this order be also made over to the learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

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