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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

O.A.No. 260/000022 of 2014
Cuttack, this the 10th day of March, 2014

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

.....

Sri V.Satya Narayan Murty, aged about 45 years, S/o. D.Dharma Rao,
At-Paloor Bangla Street, Berhampur, Ganjam at present working as an
Assistant, At-Kendriya Vidyalaya, At/Po/Dist. Sambalpur.

.....Applicant

(Legal Practitioner:-M/s.B.N.Rath, J.Rath, S.K.Jethi, S.K.Mishra)

Versus

1. The Commissioner, Kendriya Vidyalaya Sangathan, KVS Head Quarter, 18 Institutional Area, Sahid Jeet Singh Marg, New Delhi-110 016.
2. The Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Pragati Vihar, Mancheswar, Bhubaneswar-17, Dist. Khurda.
3. The Principal, Kendriya Vidyalaya, At/Po/Dist. Sambalpur.
4. The Central Public Works Department through its Executive Officer Cum Executive Engineer, Nayapalli, Bhubaneswar.
5. The Government of India represented through its Secretary in the Urban Development Department, Nirman Bhawan, New Delhi.

.....Respondents

(Legal practitioner: Mr.Hrusikesh Tripathy)

O R D E R

A.K.PATNAIK, MEMBER (JUDICIAL):

On perusal of records, we find that being aggrieved by the order dated 31.12.2013 of the Deputy Commissioner of KVS, Regional Office, Bhubaneswar imposing damage rent to the tune of Rs.1,16,560/- for alleged unauthorized occupation of the quarters 01.10.2012 to 31.12.2013, the Applicant preferred appeal on 10.01.2014 in which he while assailing the order dated 31.12.2013, he has prayed before Respondent No.1 (the




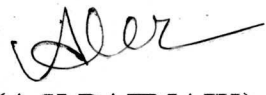
Commissioner of Kendriya Vidyalaya Sangathan, KVS Headquarters, New Delhi) to issue necessary order not to recover any amount towards damage rate/rent till a decision is taken on his appeal. According to the Applicant the said order dated 31.12.2013 even though is not sustainable in the eyes of law yet due to no order on his appeal he has unnecessarily been facing financial hardship for the recovery from his pay. Time and again this Tribunal deprecated the inaction of the authorities in not taking action on the service grievance raised by an employee. We are of the view that if there is constraint from taking a view on the appeal of the applicant, Respondent No.1 should have considered the second prayer of the applicant staying the recovery till a decision is taken by him on merit in the appeal. Be that as it may, since, according to the Applicant, no decision has been taken on the appeal preferred by him, we do not see any justification to entertain this OA at this stage. Hence, without expressing any opinion on the merit of the matter, this OA is disposed of at this admission stage, with direction to the Respondent No.1 to take a decision, on merit, on the appeal dated 31.12.2013 (if the same is still pending) and communicate the result thereof to the Applicant, in a well reasoned order at an early date and till then Respondent Nos. 2 & 3 are hereby directed not to effect further recovery towards damage rate/rent in pursuance of the order dated 31.12.2013.

2. Registry is directed to communicate copy of this order to Respondent Nos. 1, 2 and 3 for compliance. Applicant is free to take back



the paper book filed in the Registry so as to send the same along with the copy of the order to the Respondents for compliance.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judicial)