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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.260/000039/14

Cuttack this the 12<sup>th</sup> day of February, 2014

CORAM

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

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

Kumari Swati  
Aged about 36 years  
W/o. Mr.Sunil Kumar Singh  
Physical Education Teacher  
Jawhar Navodaya Vidyalaya, Kantapali  
At/PO/Dist-Jharsuguda

...Applicant

By the Advocate(s)-M/s..A.K.Bose  
P.Ku.Das

-VERSUS-

Union of India represented through

1. The Secretary,  
Ministry of Human Resources Development  
Deptt. Of Education  
1/6, Sirifort Industrial Area  
Khelgram Marg  
New Delhi
2. The Commissioner  
Navodaya Vidyalaya Samiti  
BE-15, Industrial Area  
Sector-62, Noida-201307  
Dist-Goutam Buddha Nagar  
Uttar Pradesh
3. The Deputy Commissioner,  
Navodaya Vidyalaya Samiti  
Regional Office, A-135, Gate No.2, Alkapuri  
Bhopal-46204 (MP)
4. Smt.Dikhyajyoti Mishra  
Principal Jawahar Navodaya Vidyalaya  
Jharsuguda  
At/PO/Dist-Jharsuguda

...Respondents

By the Advocate(s)-Mr.D.K.Behera



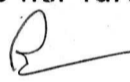
**ORDER****R.C.MISRA, MEMBER(A)**

Applicant in this Original Application is presently working as Physical Education Teacher in Jawahar Navodaya Vidyalaya(JNV) in the District of Jharsuguda, Odisha. She has prayed for quashing order dated 29.12.2013, by virtue of which she has been placed under suspension by the Deputy Commissioner, Navodayalaya Vidyalaya Samiti, (NVS) who is Respondent No.3 herein. She has further prayed that Respondent Nos. 2 and 3 may be directed to communicate the order of revocation of suspension passed vide Annexure-A/5 by the Principal of Jawahar Navodaya Vidyalaya, who is Respondent No.4 in this O.A.

2. Facts which are submitted in the O.A. are that the applicant has been continuing as Physical Education Teacher in the Jawahar Navodaya Vidyalaya, Jharsuguda, sine the year 2008 and is performing her duties satisfactorily. She has also been awarded several certificates for her excellent activities in the school. It is her allegation that Res.No.4, after joining in the Institution as Principal on 11.7.2013 has been very harsh in the treatment towards her on several occasions. With an ulterior motive in order to <sup>harass</sup> ~~harsh~~ and punish the applicant she advised the Deputy Director, Navodaya Vidyalaya Samiti to put the applicant under suspension even though the applicant did not have any record of misconduct against her. The Deputy Commissioner passed order dated 29.12.2013 placing the applicant under suspension with immediate effect and during the period of suspension, the headquarters of the applicant was fixed at Jawahar Navodaya Vidyalaya, Vind, M.P. One relieving order was also passed on



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31.12.2013 in which the applicant was relieved from duty and she was advised to submit the documents like furniture stock register, issue records, uniform stock etc. Again the Principal issued an Office order dated 2.1.2014 withdrawing the suspension order dated 29.12.2013 and the relieving order dated 31.12.2013 putting certain conditions. It was also mentioned in the said order that this is being passed as per the telephonic direction of the Deputy Commissioner, NVS (RO). Even though the revocation order has been passed and the applicant has been performing her usual duties in the school she has been asked by the Principal orally not to sign the attendance register since the suspension order has been revoked temporarily. This is allegedly causing mental harassment to the applicant also affecting her sense of dignity. It is her further allegation that she was not paid salary for the month of <sup>January</sup> ~~June~~, 2014. 

3. Heard Shri A.K.Bose, learned counsel for the applicant and Shri D.K.Behera, learned ACGSC appearing for the NVS on the question of admission. Shri Behera accepts the notice on behalf of NVS. Registry is directed to serve notice on Shri Behera under Sub Rule-4 of Rule 11 of CAT (Procedure)Rules, 1987.

4. On perusal of records it was found that on 29.12.2013, the Deputy Commissioner of NVS in his Camp at JNV Jharsuguda passed an order placing he applicant under suspension with immediate effect stating that a disciplinary proceeding is contemplated against the applicant. By this same order the headquarters of the applicant was fixed at JNV, Vind ,MP. On 31.12.2013 by a reliving order, she was relieved from Jharsuguda and was asked to join her



attachment place at JNV, Vind MP. Subsequently, Office order was issued on 2.1.2014 in which Principal of the JNV communicated to the applicant that on 1.1.2014 as per telephonic direction of the Deputy Commissioner, NVS (RO) Bhopal and on the undertaking submitted by the applicant the order of suspension is withdrawn temporarily till further orders under certain conditions. The allegation made by the applicant is that after the communication of this order also she was not allowed to sign the attendance register and was also not disbursed salary for the month of January, 2014. From the submissions made by the learned counsel for the applicant and from perusal of the records brought forth, we find that there is prima facie evidence of arbitrary behavior by the Respondents with the applicant. The circumstances under which order of suspension was issued and was also later on withdrawn under some telephone direction of the Deputy Commissioner, NVS(RO) go against the principle of sound administration. However, it was pointed out during hearing that the applicant has not exhausted her departmental remedies and has rushed to the Tribunal for relief. Therefore, as agreed to by the learned counsel for the applicant, a direction is issued to the applicant to make a representation to the Deputy Commissioner, NVS (Res.No.3) stating her grievances clearly and on getting such representation, Res.No.3 shall dispose of the same through a reasoned and speaking order expeditiously bearing the fact in mind that if the applicant had discharged her duties for the month of January, 2014, there was no valid reason for the Respondents to deny her salary for that period. Res.No.3 is also directed to



communicate the decision in this regard to the applicant within a period of two weeks from the date of receipt of the representation.

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

6. Send a copy of this order to Respondent No.3 forthwith. Copy of this order be made over to the learned counsel for both the sides.

  
(R.C.MISRA)  
MEMBER(A)

  
(A.K.PATNAIK)  
MEMBER(J)