

DX

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 05.9.2002

OA 39/2001

Brijesh Kumar Charan, TGT (Social Science) in Kendriya Vidyalaya, Samana, Jamnagar, Gujarat.

... Applicant

Versus

1. Union of India through Secretary, Govt. of India, Ministry of Human Resource Development, Deptt. of Education, Shastri Bhawan, New Delhi.
2. Asstt. Commissioner, KVS (Ahmedabad Region), Gyan Deep, Sector-30, Gandhinagar, Gujarat.
3. Principal, Kendriya Vidyalaya, Samana, Jamnagar, Gujarat.

... Respondents

CORAM:

HON'BLE MR.JUSTICE G.L.GUPTA, VICE CHAIRMAN

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

For the Applicant ... Mr.J.K.Mishra  
For the Respondents ... Mr.K.K.Shah

O R D E R

PER MR.JUSTICE G.L.GUPTA

Through this OA, the applicant has challenged the show-cause notice dated 3.10.2000 (Ann.A/2), the order of termination dated 6.11.2000 (Ann.A/3) and the relieving order dated 13.11.2000 (Ann.A/4).

2. The applicant was an employee of the respondent organisation. It is averred that the impugned order has been passed on the ground that he absented himself from duty. A reply has been filed.
3. In the OA, the impugned order has been challenged on the ground that the provision of Voluntary Abandonment of Service under Article-81(d) of the Education Code is ultra-vires of the Constitution.
4. The learned counsel for the applicant states that he does not want to press this contention that the aforesaid provision is ultra-vires of the Constitution or any other provision of law. He further says that now his client wants to prefer an appeal against the impugned order and the competent authority may decide the same condoning the delay. On this



submission, the learned counsel for the respondents states that if the applicant prefers an appeal against the impugned order, the same shall be decided by the competent authority without raising the objection of delay.

5. Consequently, the OA is dismissed as withdrawn. The applicant may prefer an appeal against the impugned order before the competent authority within a period of one month from today and thereafter the appellate authority shall decide the same within a reasonable period, without raising any objection regarding limitation. No order as to costs.

*Arup*  
(A.P.NAGRATH)

MEMBER (A)

*G.L.Gupta*  
(G.L.GUPTA)

VICE CHAIRMAN