

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 303/2010

Date of order: 29.11.2010

CORAM:

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Hari Shanker Raigar S/o Lakan Ram, aged 42 years, R/o village Jatawali, Tehsil Bonli, Dist. Swai Madhopur. At present working as Vice Principal, J.N.V. Budwa, Dist. Banswara.

...Applicant.
Mr. P.R. Singh, counsel for applicant.

VERSUS

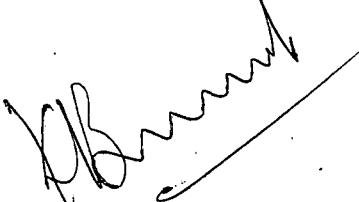
1. The Union of India through the Secretary, Human Resource Development Ministry, Department of Education, Shastri Bhawan, New Delhi.
2. The Commissioner, Navodaya Vidhyalaya Samiti, A-28, Kailash Colony, New Delhi.
3. The Deputy Commissioner, Navodaya Vidhyalaya Samiti, Regional Office, 18 Sangram Colony, Mahaveer Marg 'C' Scheme, Jaipur (Raj.).

... Respondents.
Mr. B. Khan, proxy counsel for
Mr. V.S. Gurjar, counsel for respondents.

**ORDER
(Per Hon'ble Dr. K.B. Suresh, Judicial Member)**

After having heard the matter for some time, the matter revolved on the veracity of each side's arguments. We have decided that truth should prevail and therefore with the consent of both the parties, the following orders are passed:

- (a). The applicant shall join his transferred post within two months next from this day.
- (b). Within three months, the respondents shall conduct a domestic enquiry against the applicant pertaining to the allegations levelled in Annexure R/1 Memorandum dated 23rd



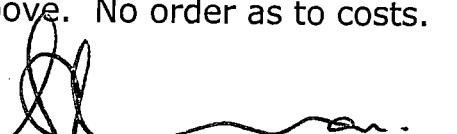
December, 2009 as explained in the reply affidavit. For this purpose, the applicant may be brought back at that time and in his presence, the truth of the matter shall be elicited.

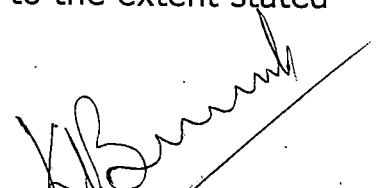
(c). If during the enquiry, it comes out from the speaking order of the disciplinary authority, that the applicant is guilty, then the applicant shall continue on the transferred post for the next five years, despite the fact that it is a North East station and therefore he is entitled for a beneficial treatment. On the other hand, if the applicant is exonerated, he shall be immediately brought back to the present posting even by transferring the then incumbent and this shall be made known to him on his posting itself.

(d). It is made clear that the respondents can choose to retain the applicant at J.N.V. Budwa, Dist. Banswara during this two months' time at work or not, whether there is workload or not, it shall be duty. If work is not extracted from him, in spite of his readiness, it shall be considered as joining time / other duty.

(e). Besides this, if any punishment is indicated in the enquiry, that can also be imposed on the applicant.

(f). Thus, the Original Application is disposed of to the extent stated above. No order as to costs.


(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER


(DR. K.B. SURESH)
JUDICIAL MEMBER

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT,
JODHPUR BENCH, JODHPUR

MISCELLANEOUS APPLICATION NUMBER 181 OF 2010
IN

ORIGINAL APPLICATION NUMBER 303 OF 2010

[Shri Hari Shaker Raigar **VERSUS** Union of India and Others]

(1) The Union of India, through the Secretary, Human Resource Development Ministry, Department of Education, Shastri Bhawan, New Delhi.

(2) The Commissioner, Navodaya Vidhyalaya Samiti, A-28, Kailash Colony, New Delhi.

The Deputy Commissioner, Navodaya Vidhyalaya Samiti, Regional office, 18 Sangram Colony, rtm,hnutarzr Mara "C" Scheme, Jaipur (Rajasthan)



Principal
Shri Hari Shaker Raigar S/o Lakhan Ram, Age 42 Yrs. R/o Vill:
Jatawali, Teh. Bonli, Dist. Sawai Madhopur. At present
working as Vice Principal J.N.V. Budwa, Dist. Banswara.

.....APPLICANTS IN MISC. APPLICATION

VERSUS

Shri Hari Shaker Raigar S/o Lakhan Ram, Age 42 Yrs. R/o Vill:
Jatawali, Teh. Bonli, Dist. Sawai Madhopur. At present
working as Vice Principal J.N.V. Budwa, Dist. Banswara.

.....RESPONDENT IN MISC. APPLICATION

MISCELLANEOUS APPLICATION UNDER SECTION 22 OF

THE ADMINISTRATIVE TRIBUNALS ACT, 1985, ON BEHALF

OF THE RESPONDENTS FOR DELETION OF RESPONDENT

NUMBER 1 [UNION OF INDIA] FROM THE ARRAY OF

C.A.T. Ju.
Filed to day

क्र.म.सं. (प्राप्ति) २२ के अन्तर्गत निः प्रूलक प्रति

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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH JODHPUR
COPY OF ORDER DATED: 29-11-10 PASSED
M.A. 181/10 IN OA No. 303/2010

MA No. 181/2010 in OA No. 303/2010
Date of Order: 29.11.2010



Mr. B. Khan, proxy counsel for
Mr. V.S. Gurjar, counsel for applicants.
Mr. P.R. Singh, counsel for respondent.

The M.A. No. 181/2010 filed by the applicants (respondents
& array of the respondents in OA No. 303/2010, is dismissed.

CHECKED

nlk

Sd/-

[Sudhir Kumar]
Administrative Member

Sd/-
Dr. K.B. Suresh
Judicial Member

nlk
CERTIFIED TRUE COPY
Dated 01-12-10
Al
क्रमांक अधिकारी (माम.)
Section 17(1)(b) (Judi.)
केन्द्रीय न्यायालय अधिकारी
Central Administrative Tribunal
जोधपुर न्यायालय, जोधपुर
Jodhpur Bench, Jodhpur.