

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.430/03

Monday this the 30th day of June 2003

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Velayudhan.K.P.,
S/o Raman,
Principal, (Under Suspension)
Kendriya Vidyalaya, Kannur.

Applicant

(By advocate Mr.Mohammed Mustaque)

Versus

1. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, St.John's Road,
Bangalore-42.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Singh Marg,
New Delhi - 110 016.
3. The Vice Chairman,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Singh Marg,
New Delhi - 110 016.

Respondents

(By advocate Mr.Thottathil B Radhakrishnan)

The application having been heard on 30th June 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The challenge in this application is against the order dated 8.5.03 by which the applicant, Principal, Kendriya Vidyalaya, Kannur has been placed under suspension in contemplation of disciplinary proceedings to be taken against him. It is alleged in the application that the applicant had been placed under suspension for the reason that he did not relieve Smt. Mini and Smt. Geetha, who had been transferred to some other stations. He submits that A2 and A3 orders of transfer and posting dated 31.3.03 and 3.4.03 were received in his office on 8.4.03, that Smt. Geetha who was transferred by

✓.

Annexure A2 approached the Tribunal filing O.A. 301/03 and obtained an order of stay on 9.4.03, that the applicant could not serve the transfer order on her as she remained absent and she obtained a stay from Central Administrative Tribunal, Ernakulam Bench, that the relieving order of Mini (Annexure A5) pursuant to her transfer by A-3 order was sent by registered post by the applicant on 9.4.03, for which there was no delay on his part and that the action taken against him is unjust, arbitrary and irrational. With these allegations the applicant seeks to set aside the impugned order. The applicant has alleged in the application that the suspension order is premature as the department has not served any notice to show cause. It is also alleged in the application that the applicant has not been informed of the reason for his suspension.

2. The Ist respondent has filed a reply statement.

3. After hearing the learned counsel on either side, on the question of admission and interim relief, we find that the applicant has not exhausted the remedy of statutory appeal available to him under the Service Rules. It is stated that the Vice Chairman, Kendriya Vidyalaya Sangathan is the competent authority, to whom an appeal is to be filed. We are of the considered view that it would be more appropriate if the competent authority, Vice Chairman, Kendriya Vidyalaya Sangathan, decides the issue after taking into consideration the appeal to be filed by the applicant, after ascertaining the facts from the Commissioner of Kendriya Vidyalaya Sangathan.

3. In the light of what is stated above, we dispose of this application permitting the applicant to file an appeal to the Vice Chairman of the Kendriya Vidyalaya Sangathan, New Delhi, within two days from today and directing the third

✓

respondent, Vice Chairman, Kendriya Vidyalaya Sangathan to consider the appeal in the light of the averments therein as also the details to be obtained from the Commissioner of Kendriya Vidyalaya Sangathan and dispose it of with a speaking order within a period of three weeks from the date of receipt of the appeal. This order has been passed as the counsel agreed for a final disposal at this stage itself. No order as to costs.

Dated the 30th day of June, 2003


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

asp