

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 535 of 2004

Wednesday, this the 14th day of July, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. L. Kousalya Ammal,  
PGT (Hindi),  
Kendriya Vidyalaya, Ottappalam. ....Applicant

[By Advocate Shri A. Mohammed Mustaque]

Versus

1. The Principal,  
Kendriya Vidyalaya, Ottappalam.
2. The Assistant Commissioner,  
Kendriya Vidyalaya Sanghathan,  
IIT Campus, Chennai.
3. The Joint Commissioner,  
Kendriya Vidyalaya Sanghathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg, New Delhi.
4. The Commissioner,  
Kendriya Vidyalaya Sanghathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg, New Delhi.
5. The Chairman,  
Kendriya Vidyalaya Sanghathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg, New Delhi. ....Respondents

[By Advocate Shri Paul Abraham Vakkanal for  
M/s Iyer & Iyer]

The application having been heard on 14-7-2004, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, PGT (Hindi), Kendriya Vidyalaya, Ottappalam, has filed this application challenging the order dated 22-4-2004 (Annexure A1) of the 2nd respondent placing the applicant under suspension in exercise of the powers conferred by sub-rule (1) of Rule 10 of the CCS (CCA) Rules, 1965 as

disciplinary proceedings against her was under contemplation as also the order dated 18-6-2004 (Annexure A9) of the 3rd respondent refusing to interfere with the order of suspension in appeal. It is alleged in the application that the alleged contemplation of disciplinary proceedings was on the basis of a memoranda issued by the 1st respondent, the Principal of Kendriya Vidyalaya, who is inimical towards the applicant and has been harassing her sexually, that the order of suspension has been issued without properly considering whether it was actually necessary to keep the applicant under suspension and that Annexure A9 order has been issued by the appellate authority without carefully advertng to the grounds raised in the appeal. The revision petition filed by the applicant is yet to be considered and disposed of. Under these circumstances, the applicant has filed this application seeking to set aside Annexure A1 and A9 orders and for a direction to the 5th respondent to dispose of Annexure A-10 revision petition within such time as the Tribunal may allow.

2. We have gone through the application and all the materials placed on record and have heard Shri A.Mohammed Mustaque, learned counsel of the applicant and Shri Paul Abraham Vakkanal, learned counsel of the respondents.

3. An order of suspension and an order passed by the appellate authority against the order of suspension are administrative orders with which judicial intervention would be justified only in cases of malafides, total arbitrariness or if there is any other vitiating circumstances. No allegation of malafides has been raised against either the 2nd respondent or the 3rd respondent. The vague averment made about sexual harassment against the Principal is not a matter to be taken cognizance of, because the impugned orders were not issued by

✓

the Principal against whom allegations of harassment has been made. That there is a disciplinary proceedings contemplated against the applicant has not been disputed. Sub-rule (1) of Rule 10 of the CCS (CCA) Rules, 1965 empowers the disciplinary authority to place the officer under suspension. Statutory appeal has been considered by the 3rd respondent against the order of suspension and the 3rd respondent did not find any reason to interfere with the matter. It was felt by the appellate authority that during the enquiry if the applicant be allowed to continue there, that would not be conducive to discipline and smooth functioning of the office as also for a proper conduct of the disciplinary proceedings. We do not find any reason to interfere with the impugned orders in the absence of the allegation of malafides. Since the applicant has filed a revision petition to the revisional authority, he should have been waited for a reasonable time before rushing to the Tribunal. The original application is, therefore, premature.

4. In the light of what is stated above, we reject the application under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Wednesday, this the 14th day of July, 2004

  
H.P. DAS  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

Ak.