

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 556 of 2003

Monday, this the 14th day of July, 2003

CORAM

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

1. Velayudhan KP,  
S/o Raman,  
Principal (under Suspension),  
Kendriya Vidyalaya, Kannur. ....Applicant

[By Advocate Mr. A. 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

4. Smt.KP Rangamma,  
HVF Avadi, Kendriya Vidyalaya,  
Avadi, Tamil Nadu. ....Respondents

[By Advocate Mr. Thottathil B. Radhakrishnan (R1 to R3)]

The application having been heard on 14-7-2003, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant is a Principal under suspension of Kendriya Vidyalaya, Kannur. He challenged the order of suspension in OA No.430/03, which was disposed of permitting the applicant to file an appeal to the 3rd respondent in this OA and directing the 3rd respondent to dispose of the appeal within three weeks by order dated 30-6-2003. In the meanwhile, the impugned Annexure A9 order dated 14-6-2003 has been issued

by which the 4th respondent has been appointed as Principal of the Kendriya Vidyalaya, Kannur in the place of the applicant. Aggrieved by that the applicant has filed this application seeking to set aside the impugned order to the extent the post of Principal, Kendriya Vidyalaya, Kannur being filled.

2. The appeal (Annexure A8) submitted by the applicant against the order of suspension to the 3rd respondent pursuant to the order of the Tribunal in OA No.430/03 has not so far been disposed of.

3. I have heard Shri A.Mohammed Mustaque, learned counsel of the applicant and Shri Thottathil B.Radhakrishnan, learned counsel of the respondents.

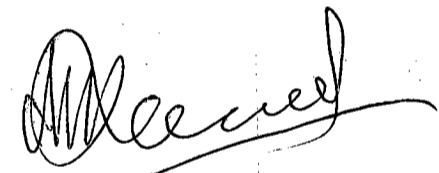
4. Learned counsel of the applicant argued that as the post of Principal, Kendriya Vidyalaya, Kannur has become vacant only on account of the order of suspension of the applicant which has been challenged in appeal before the 3rd respondent, the filling up of that vacancy by appointment of the 4th respondent would create complications involving third party interests, if ultimately the 3rd respondent decides the appeal in his favour and therefore, the application may be disposed of directing that the filling of the vacancy of Principal, Kendriya Vidyalaya, Kannur by the impugned order should be made provisional and subject to the outcome of Annexure A8 appeal.

5. Learned counsel of the respondents stated that the 3rd respondent would consider the appeal filed by the applicant and dispose of the same within the time stipulated by the Tribunal and the only anxiety of the respondents is that the office of the Principal of Kendriya Vidyalaya, Kannur should be

effectively manned by a proper incumbent during the interregnum. He also stated that appropriate orders in that regard may be passed.

6. In the light of the above submissions by the learned counsel on either side, the Original Application is disposed of directing that the filling of the post of Principal, Kendriya Vidyalaya, Kannur, which the applicant was holding before his suspension, by appointment of the 4th respondent by the impugned order or otherwise shall be provisional and subject to the outcome of Annexure A8 appeal of the applicant against the order of his suspension and that the 4th respondent or any other incumbent posted should be so informed. The above direction is given after ascertaining that the 4th respondent or any other incumbent has not already taken over as Principal, Kendriya, Kannur. There is no order as to costs.

Monday, this the 14th day of July, 2003



A.V. HARIDASAN  
VICE CHAIRMAN

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