

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 1 of 2010

Monday, this the 15th day of March, 2010

CORAM:

Hon'ble Mr. Justice K. Thankappan, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

Jayaprakash, Yoga Teacher, Kendriya Vidyalaya,
Keltron Nagar (30-12-2008-04-12-09),
Kannur, Residing at KV Quarters Type A,
Kendriya Vidyalaya, Keltron Nagar, Kannur.

Applicant

(By Advocate – Ms. Jebi Mather for M/s. Dandapani Associates)

V e r s u s

1. Joint Commissioner (Admn), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
2. Asst Commissioner, Regional Office, Kendriya Vidyalaya Sangathan, Bangalore.
3. The Principal, Kendriya Vidyalaya, Keltron Nagar, Kannur.

Respondents

(By Advocate – Mr. Thomas Mathew Nellimoottil)

This application having been heard on 15.3.2010, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. Justice K. Thankappan, Judicial Member -

The only prayer in this Original Application of the applicant is to direct the first respondent, Joint Commissioner, Kendriya Vidyalaya Sangathan, New Delhi to dispose of Annexure A-3 appeal dated 14.12.2009 at the earliest.



2. The Original Application has been admitted by this Tribunal and notice has been ordered and a preliminary statement has also been filed on behalf of the respondents. In the reply statement filed on behalf of the respondents, it is admitted that the appeal filed against the penalty order of the disciplinary authority is pending.
3. Hence, we feel that with the above prayer and considering the facts and circumstances of the case, this OA can be allowed at this stage without considering any of the contentions on merit contained either in the appeal memorandum or in the Original Application. The Original Application is allowed by directing the first respondent to consider Annexure A-3 appeal within three months from the date of receipt of a copy of this order, if it is not disposed of till this time. Further, it is made clear that till the appeal is disposed of by the first respondent, the applicant shall not be vacated from the quarters and he may be allowed to reside in the quarters on payment of rent as per prescribed rules.
4. With the above observation and direction this OA stands allowed to the extent indicated. No order as to costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER