

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.112/2004.

Thursday this the 18th day of March 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

K.M.Daniel, Chowkidar,
Jawahar Navodaya Vidyalaya,
Kottarakkara, Kollam, now residing at
Kochanath House, Mannadisala P.O.,
Vechuchira, Erumeli,
Pathanamthitta District,
Kerala State.

Applicant

(By Advocate Shri TK Pankajakshan)

Vs.

1. The Commissioner, Navodaya Vidyalaya Samithi,
Indira Gandhi Stadium, I.P.Estate,
New Delhi-110002. (Formerly the Director,
Navodaya Vidyalaya Samithi A-39,
Kailas Colony, New Delhi.)
2. The Deputy Director, Navodaya Vidyalaya Samithi,
H.No.1-1-1-10/03 Plot No.79, Bahrel Swimming Pool,
Secunderabad-500003. (Formerly the Deputy Director,
Jawahar Navodaya Vidyalaya Samithi,
Hyderabad Region Department of Education,
Min.of H.R.D. 6-1-119/C Padmarao Nagar,
Secunderabad-500025.
3. The Principal, Jawahar Navodaya Vidyalaya,
Kottarakkara, Kollam, Kerala State.
4. A.D.George, Principal,
Jawahar Navodaya Vidyalaya,
Palakkad, Kerala.

Respondents

(By Advocate Shri M.K.Damodaran (R.1-3))

The application having been heard on 18th March, 2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER


The applicant, a Chowkidar, was doing night duty in the respondents' institute. While the applicant was on duty he was served with a Memorandum dated 31.5.2000 alleging that he had locked up the 3rd respondent and one another inside the office



premises and explanation was called for. Consequent to that Memorandum he was suspended and charge sheet was issued going through the written statement and other proceedings. Finally he was compulsory retired on 3.1.2001. It is submitted that the applicant has filed an Appeal(A6) before the Ist respondent against the said order on 22.1.2001. The same has not yet been disposed of. Aggrieved by the said inaction on the part of the respondents in not disposing of the appeal, the applicant has filed this O.A. seeking the following reliefs:

- A. Call for the records of the proceedings of the respondents till the passing of the Annexure A5 and declare that the Annexure A5 order dated 3.1.2001 of compulsory retirement issued by the 2nd respondent against the Applicant is illegal, arbitrary, and set aside and the applicant is reinstated in service with full back wages.
- B. Declare that the Annexure A6 Appeal filed by the applicant is kept pending by the Ist respondent willfully in an arbitrary, illegal manner and the Annexure A5 order of the 2nd respondent passed against the Applicant is liable to be set aside for the illegal denial of statutory right of Appeal of the applicant.
- C. Direct the Annexure A6 Appeal filed by the applicant is to be heard by the Ist respondent within a time limit fixed by this Tribunal.
- D. Order all service benefits to the applicant till the disposal of the Annexure A6 as if the applicant is in continuous service without any proceedings on the basis of Annexure A5.
- E. Order service benefits due to the applicant on the basis of Annexure A5 as an alternative prayer in case on any ground other prayers are disallowed.

2. When the matter came up before the Bench, Shri T.K.Pankajakshan Pillai learned counsel, appeared for the applicant and Shri M.K.Damodaran, learned, counsel appeared for R.1-3. None appeared for R.4. Learned counsel for applicant submitted that the applicant would be satisfied, if a limited

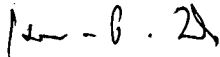


direction is given to the respondents to consider and dispose of the Appeal submitted by the applicant within a time frame. Learned counsel for respondents submitted that he has no objection in adopting such a course of action.

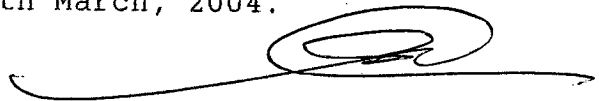
3. In the interests of justice, we direct the 1st respondent to consider and dispose of Appeal (A6) and communicate the same to the applicant within a period of three months from the date of receipt of a copy of this order.

4. The O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated the 18th March, 2004.



H.P.DAS
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN
JUDICIAL MEMBER

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