

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.150/06

Monday this the 13th day of March 2006

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

Prasanna P.,
D/o.late P.K.Chathu,
Working as Vice Principal of Kendriya Vidyalaya, Kannur.
Residing at Sabari,P.O.Palayad, Thalassery, Kannur.Applicant

(By Advocate Mr.A.Mohamed Mustaque)

Versus

1. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Bangalore Region, St. Johns Road,
Bangalore – 560 042.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi.
3. The Vice Chairman,
Kendriya Vidyalaya Sangathan,
New Delhi.Respondents

(By Advocate M/s.Iyer & Iyer)

This application having been heard on 13th March 2006 the Tribunal on the same day delivered the following :

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant who is presently working as a Vice Principal of Kendriya Vidyalaya, Kannur, was imposed with a major penalty of compulsory retirement vide order dated 26.11.2002. Aggrieved, the applicant preferred an appeal before the 3rd respondent (Appellate Authority) and the 3rd respondent on detailed consideration of the grounds

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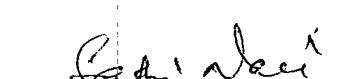
in the appeal reduced the punishment to withholding of two increments with cumulative effect. In the order it is also mentioned that the intervening period from the date of compulsory retirement to her date of joining on her reinstatement is treated as 'non duty'. The applicant challenges the said order, first, on the ground that no notice has been issued as required under FR 54 and secondly, that stagnation increments cannot be withheld as a matter of penalty. It is further stated that she has submitted Annexure A-3 representation to the 3rd respondent which is still pending.

2. When the matter came up for hearing, counsel for the applicant submitted that he will be satisfied if the representation is directed to be disposed of by the 3rd respondent. Counsel for the respondents also agrees with the same.

3. Accordingly, we direct the 3rd respondent to consider and dispose of Annexure A-3 representation of the applicant in accordance with the rules and communicate a decision to the applicant within a period of three weeks from the date of receipt of a copy of this order. No order as to costs.

(Dated the 13th day of March 2006)


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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