

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.322/2005.

Tuesday this the 21st day of June, 2005.

CORAM:

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. KV SACHIDANANDAN, JUDICIAL MEMBER

Tomy P. Joseph, S/o P.T.Joseph,
(ex- PGT (English, under
Navodaya Vidhyalaya Samithi)
residing at Bethel Cheeramvelil,
Behind S.B.High School,
Changanacherry, Kottayam Dist. Applicant

(By Advocate Shri M.P.Varkey)

Vs.

1. Union of India, represented by the Commissioner,
Navodaya Vidhyalaya Samithi,
I.P.Estate, Indira Gandhi Stadium,
New Delhi.
2. The Deputy director,
Navodaya Vidhyalaya Samithi,
Hyderabad Region,
1-1-10/3, Sardar Patel Road, Secunderabad,
Andhra Pradesh – 500003.

(By Advocate Shri M.K.Damodaran)

The application having been heard on 21st June, 2005, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicant who was appointed as Post Graduate Teacher (English) under the Navodaya Vidhyalaya Samithi by the 1st respondent, is aggrieved by A-10 order dated 2.4.2004 by which he has been removed from service. The charges framed against the applicant relate to the alleged misconduct with the girls attending the classes X to XII studying under him.

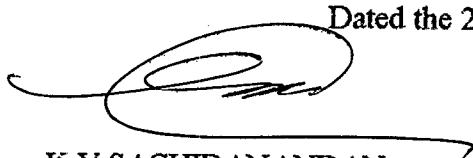
2. When the matter came up before the Bench, Shri MP Varkey, learned counsel appeared for the applicant and Mr. MK Damodaran, learned counsel appeared for the respondents.

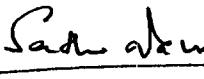
3. We have heard the counsel on both sides. The applicant has filed an appeal (A-11) on 28.4.2004 against the order of the Disciplinary Authority(A-10) , which is not yet disposed of by the appellate authority. It is seen from the records that the grounds raised by the applicant in the Appeal are the same as raised in the O.A. Hence, we are of the view that the applicant should exhaust all the departmental remedies available to him before agitating the matter before this Tribunal.

4. In the interests of justice, we direct the 2nd respondent or any authority as prescribed in the rules, to dispose of the Appeal A-11 submitted by the applicant within a time frame of three months from the date of receipt of a copy of this order.

5. With the above directions the O.A. is disposed of at the admission stage itself. No costs.

Dated the 21st June, 2005.


K.V.SACHIDANANDAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN