

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.360/2004.

Friday this the 14th day of May 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Kousalya Ammal, PGT(Hindi),
Kendriya Vidyalaya, Ottapalam.

Applicant

(By Advocate Shri A.Mohamed Mustaque)

Vs.

1. The Principal,
Kendriya Vidyalaya, Ottapalam.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
IIT Campus, Chennai.
3. The Joint Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheet Jeet Sing Marg, New Delhi.
4. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheet Jeet Sing Marg,
New Delhi.

Respondents

(By Advocate M/s Iyer & Iyer)

The application having been heard on 14.5.2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant is working as PGT (Hindi) at Kendriya Vidyalaya, Ottapalam. She was suspended for disciplinary proceedings by order dated 22.4.2004(A1). She submitted an appeal before the 3rd/4th respondents which is pending disposal.

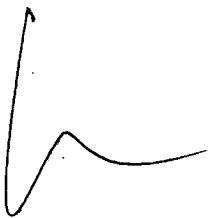
2. It is averred in the O.A. that the applicant received a Memo dated 12.1.04 alleging that she abstained from attending the class, which was refuted and filed an explanation. Thereafter on 17.2.2004 the applicant received another memo



stating that she had tampered with the attendance register and consequent to that a suspension order was served on 22.4.2004. Aggrieved by the impugned action on the part of the respondents the applicant has filed the O.A. seeking the following reliefs:

- 1) The Hon'ble CAT may be pleased to issue appropriate orders to quash and set aside Annexure A-1 order.
- 2) The Hon'ble Tribunal may be pleased to direct 3rd and 4th respondents to dispose of A-7 Appeal within such time this Hon'ble Tribunal may allow.
- 3) The Hon'ble Tribunal may be pleased to direct the second respondent to allow the applicant to leave Head Quarters Ottapalam to her native place during Summer holidays of Kendriya Vidyalaya.

3. When the matter came up for admission Shri A.Mohamed Mustaque appeared for the applicant and Mr. Paul Vakkanal represented M/s Iyer and Iyer. Learned counsel for the applicant submitted that in the impugned A-1 suspension order it has been stipulated that the applicant should not leave the headquarters without obtaining the previous permission of the Assistant Commissioner. It is also submitted that the School is closed for Summer holidays and all other officers had left the headquarters and the applicant is unable to leave the station because of the above order. She made A-9 representation to the Assistant Commissioner. Learned counsel for respondents submitted that A-9 has been considered by the authorities and the orders are being processed permitting her to leave headquarters and directing the applicant to appear for the disciplinary proceedings if any, at her own costs during Summer vacation.



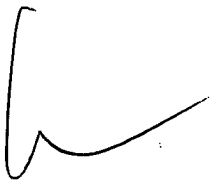
4. The above submissions are recorded and on the strength of the said submissions the applicant is permitted to leave the headquarters during summer vacation subject to the condition that she should be made available to appear the disciplinary proceedings if any at her own costs.

5. Regarding the order of suspension even in the impugned order it is stated that this has been issued in exercise of the powers conferred by sub-rule (1) of Rule 10 of the CCS(CCA) Rules, 1965.

6. Learned counsel for the applicant submitted that suspension ~~is~~ ^{could be} justified ^{only} ⁱⁿ the circumstances laid down under Rule 10(1)(a) of CCS(CCA) Rules and the applicant would be satisfied if a limited direction is given to the 3rd/4th respondents to consider and dispose of the appeal A-7 dated 27.4.04 within a time frame.

7. Learned counsel for respondents submitted that he has no objection in adopting such a course of action.

8. In the result, without making any opinion as to the merits of the case, this Court directs that the 3rd ^{and 4th} or 4th respondents shall consider and dispose of the Appeal well before 20.6.2004 with reference to the rules laid down under Rule 10(1)(a) of the CCS(CCA) Rules.



9. O.A. is disposed of at the admission stage itself. To expedite the matter the applicant is directed to send a copy of the Appeal and a copy of this order to the 3rd/4th respondents immediately.

10 In the circumstance no order as to costs.

Dated the 14th May, 2004.



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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