

Original Application No. 327/2003.

this the day of 17-07-2003.

HON'BLE MR. A.K. MISRA, MEMBER (A).

HON'BLE SMT. SHYAMA DOGRA, MEMBER (J).

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Bhagwan Lal, aged about 40 years,  
son of Shri Vishnu Dutt, resident of village,  
and Post Meghamau, District: Sultanpur,  
presently residing at in the front of,  
gate of Air Force Station, Memaura,  
Lucknow.

... Applicant.

By Advocate:-Sri Ghanshyam Tripathi.

Versus.

Union of India through Secretary,  
Ministry of Human Resources Development,  
New Delhi.

2. Assistant Commissioner,  
Kindirya Vidyalaya Sangathan,  
Lucknow.

3. Chairman, Vidyalaya Management Committee,  
B.H.E.L., Jagdishpur,  
District: Sultanpur.

4. Principal, Kendriya Vidyalaya,  
B.H.E.L., Jagdishpur,  
District: Sultanpur.

... Respondents.

By Advocate:-Sri M.G. Misra.



O R D E R (ORAL)

BY MR. A.K. MISRA, MEMBER (A).

The relief claimed in this O.A. is for setting aside the order of removal dated 9/13.5.2003 as contained in (Annexure-A) to the O.A.. It is also prayed that the direction be issued to the respondent No.4 to reinstate the applicant w.e.f. 13.1.2003 i.e the date on which the removal order dated 9/13.5.2003 was made effective.

2. Counsel for the parties have been heard.

3. After hearing counsel for the parties, it is seen that no appeal has sofar been filed by the applicant which is <sup>statutory</sup> the /alternative remedy available under the Educational Institution Rules. Under Section-20 of the A.T. Act, 1985, it is laid down that before approaching the Tribunal the alternative <sup>said</sup> remedy must be availed. Since /alternative remedy has not been availed by the applicant, we dispose of this O.A. with the direction that the applicant shall prefer an appeal against the order of removal dated 9/13.5.2003 before the Appellate Authority wihtin 10 days from the date of receipt of this order. The Appellate Authority shall condone the limitation , if any, and decide the appeal preferred by the applicant within a period of six weeks from the date on which the appeal is filed, by passing a reasoned and speaking order and if necessary after giving personal hearing to the applicant.

4. The O.A. is disposed of as above without any ordr as to costs.

MEMBER (J)

*Signature*  
17.7.03.

*Signature*  
MEMBER (A).

Dated:-17.7.03/Lucknow.  
Amit/-