

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 400/2003.

this, the 26th day of August 2003.

HON. MR. A.K. MISRA MEMBER(A)

HON. MR. SMT. MEERA CHIBBER MEMBER(J)

Smt. Pratima Sinha aged about 34 years wife of Sri Jwala Prasad R/o Pidiyapar (Bengalpur) Post and District Sheikhpura Bihar presently posted as Staff Nurse Jawahar Navodaya Vidyalaya Jyotiba Phoole Nagar.

....Applicant.

BY ADVOCATE SHRI M.M. ASTHANA.

VERSUS

1. Navodaya Vidyalaya Samiti New Delhi through its Commissioner.
2. Deputy Director, Regional Office Navodaya Vidyalaya Samiti, B-10, Sector-C, Aliganj, Lucknow.
3. Assistant Director (P)/Inquiry Officer, Regional Office, Navodaya Vidyalaya Samiti, B-10, Sector-C, Aliganj, Lucknow.
4. Principal Jawahar Navodaya Vidyalaya, Bulandshahar District Bulandshahar.
5. Principal, Jawahar Navodaya Vidyalaya, District Jyotiba Phoole Nagar.

....RESPONDENTS.

BY ADVOCATE SHRI Anil Kumar.

BY A.K. MISRA MEMBER(A)

The relief claimed in the present O.A. is for quashing the impugned order dated 11th July 2003 as contained in Annexure No. 1 to the O.A., and further prayer for issue of suitable directions to the opposite parties to make payment of withheld increment of the applicant during the period applicant remained under suspension. It is also prayed that order dated 11.7.2003 be not implemented during the pendency of this O.A.

2. The learned counsel for the parties have been heard.

3. In this O.A., the question of maintainability is involved because, the impugned order of 11th July 2003 has not been challenged in appeal which is a statutory remedy. Since, the statutory remedy has not been availed by the applicant, the O.A. is not ~~be~~ maintainable in terms of the provisions of Section 20 of the AT ACT 1985.

4. Accordingly, we dispose of this O.A. with the direction that the applicant shall within two weeks of receipt of this order, file an appeal before the competent authority and the competent authority shall decide the said appeal within two months from the date on which the appeal is received in the ~~office~~ competent authority.

5. The O.A. is disposed of as above without any order as to costs.

  
MEMBER(J)

  
MEMBER(A)

LUCKNOW: DATED: 26.8.2003.

v.