

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No.288/2001

Dated this Friday the 23rd Day of November, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman
Hon'ble Shri B.N. Bahadur, Member (A).

Shri Gangadhar A. Ashture,
then working as:
Trained Graduate Teacher (English),
C/o. U.A. Ashture,
Postal Club, Kanherwadi,
At P.O. Tal. & Dist. Nashik-422001. .. Applicant.

(Applicant by Shri S.P. Kulkarni)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Shaheed Jeet Singh Marg,
At P.O. New Delhi - 110 016.
2. The Chairman,
Vidyalaya Management Committee,
(Ex-Officio) and Air Officer
Commanding Air Force Station,
At P.O. Ojhar,
District Nashik-422 221.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Mumbai Region, I.I.T. Powai,
At Mumbai - 400 076.
4. The Principal,
Kendriya Vidyalaya,
Air Force Station,
At P.O. Ojhar,
Dist. Nashik-422 221. .. Respondents

(By Advocate Ms.H.P. Shah)

ORDER (ORAL)
{ Per : Shri B.N. Bahadur, Member (A) }

The applicant has filed this O.A. challenging the
termination order dated 14.3.2001 (Exhibit 'A') made by

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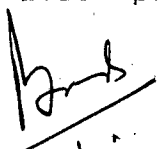
B.N.B.

the Respondents in exercising their powers under Article-81(b) of the Education Code for Kendriya Vidyalayas.

2. The preliminary point that arose before us was whether the applicant has exhausted all the remedies available to him before coming to this Tribunal in the circumstances of the case.

3. When the matter has again came up before us yesterday, the Learned Counsel for the Respondents, Ms.H.P. Shah had sought a days' time to bring the factual position to our notice. Today she has obtained a copy of communication made by Kendriya Vidyalaya Sangathan, New Delhi dated 11.11.1999 addressed to Asstt. Commissioner, Kendriya Vidyalaya Sangathan (all Regional Offices). A copy of this is placed on record. According to this, it is provided that, an employee of the Sangathan who has ceased to be in Kendriya Vidyalaya Sangathan service by virtue of an order passed against him under Article-81(b) of the aforesaid Code, can prefer an appeal against the order to the Vice Chairman, Kendriya Vidyalaya Sangathan. It is also stipulated that, if no appeal preferred under this article shall be entertained unless the appeal is preferred within a period of 45 days from the date on which a copy of the order appealed against is delivered to the appellant. It also provides that the Appellate Authority may entertain

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the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

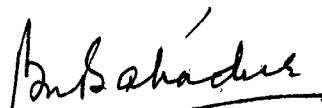
4. The date of impugned order which is being challenged is 14.3.2001. The applicant has immediately come to this Tribunal by filing this O.A. on 9.4.2001 i.e. within the period of less than a month, since then the matter is being heard before our Tribunal and there is clearly a sufficient cause of action for condonation of delay if an appeal were to be filed before the Kendriya Vidyalaya Sangathan now, as per the above communication dated 11.11.1999.

5. Under the facts and circumstances as mentioned above, and the Administrative Tribunals Act envisages that all available remedies under rules should be exhausted normally before coming to the Tribunal, we feel that the following order will meet the end of justice in this O.A.

ORDER

(i) The Applicant is at liberty to make an appeal against the impugned order to the Vice Chairman, Kendriya Vidyalaya Sangathan within a period of 4 weeks from the date of receipt of copy of this order. Respondents shall be decide the appeal within a period of 3 months from the date of receipt of such appeal.

(ii) The O.A. stands disposed of as above. No order as to costs.



(B.N. Bahadur)
Member (A).



(Birendra Dikshit)
Vice Chairman.