

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 246/2002

DATE OF ORDER: 5.9.2003

Smt. Rita Singh wife of Shri Kumar Ranveer Singh aged about 39 years, resident of Quarter No. F/7, Kendriya Vidyalaya No. 1, Bajaj Nagar, Jaipur.

.... Applicant.

VERSUS

1. Kendriya Vidyalaya Sangathan through its Deputy Commissioner, (Adm.), 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.

2. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Jaipur, 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur.

.... Respondents.

Mr. Hemant Gupta, Proxy counsel for
Mr. Manish Bhandari, Counsel for the applicant.
Mr. V.S. Gurjar, Counsel for the respondents.

CORAM:

Hon'ble Mr. S.K. Agarwal, Member (Administrative)
Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

4 The applicant has filed the present application against the show cause order dated 14.5.2002 (Annexure A/1) whereby the applicant was directed to file representation within ten days from the date of the said order failing which an order shall be passed confirming loss of lien on the post held by her and, in that case, she shall be deemed to have been removed from the service of the Kendriya Vidyalaya Sangathan as per provisions of Article 81(d).

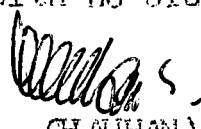
2. During the pendency of this OA, the respondents have passed final order of removal from service vide order dated 26.8.2002 (Annexure A/10).

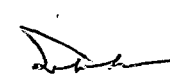
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3. The learned counsel for the applicants submits that in view of the Clause 8 of Article 31 (d), there is alternative remedy of appeal and he wants to exhaust that remedy. The learned counsel further submits in view of the specific provision, he may be permitted to withdraw the present OA with liberty to file an appeal and in that event^{that} delay in filing the appeal may be ~~is~~ condoned.

4. In view of the submission made by the learned counsel for the applicant, we are of the view that in case the applicant files an appeal within thirty days from the date of passing of this order, the authority concerned should entertain the said appeal and the period of limitation as prescribed under the Clause 8 of Article 31(d) should not come in the way of the applicant.

5. With these observations, the OA is accordingly disposed of with no order as to costs.


(M.L. CHAITAN)
MEMBER (J)


(S.K. AGARWAL)
MEMBER (A)