

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
Original Application No 260 of 2004

Jabalpur, this the 29th day of March, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Ms. Sadhana Srivastava, Judicial Member

G.S. Bhatnagar Son of Shri C.S. Bhatnagar
Aged about 42 years, TGT(Hindi)(Under
Suspension), Kendriya Vidyalaya, Bairagarh
Resident of C/o Shri K.N. Pahuja, T-32,
Old Naka, Bairagarh, District Bhopal(MP)
Applicant.

(By Advocate – Shri Vivek Mishra)

VERSUS

1. The Union of India, Through Secretary
Human Resources Development Ministry,
New Delhi.
2. Assistant Commissioner, Kendriya
Vidyalaya Sangathan, Bhopal Region,
Opposite Maida Mills, Bhopal(M.P.).
3. The Principal, Kendriya Vidyalaya,
Bairagarh, District Bhopal(M.P.)
Respondents
(By Advocate – Shri M.K. Verma)

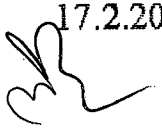
ORDER (Oral)

By M.P. Singh, Vice Chairman

By filing the Original Application, the applicant has sought the following main relief :-

“(a) To revoke the Suspension order(Annexure A-4) and to quash the Charge-sheet(Annexure A-6).

2. The brief facts of the case are that the applicant while working as T.G.T.(Hindi) in Kendriya Vidyalaya, Bairagarh, was placed under suspension vide order dated 11.11.2003(Annexure-A-4)and he has also been issued a charge sheet vide order dated 17.2.2004(Annexure-A-6) for committing gross misconduct and



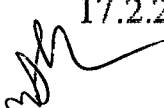
violating the code of conduct prescribed for teachers vide Article 61(A) (34) (a) (iii) of the Education Code for Kendriya Vidyalaya Sangathan (2002 Edition) and Rule 3(1)(iii) of the Education Code by using provocative language.

3. Heard the learned counsel for the parties.

4. The learned counsel for the respondents has stated that the relief claimed by the applicant is partly granted by revocation of the suspension order. The suspension of the applicant has been revoked vide order dated 3.11.2004 (Annexure-R-1). As regards the departmental enquiry proceedings, these are pending against the applicant and the enquiry is going on against him.

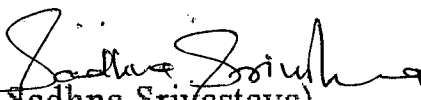
5. The learned counsel for the applicant has stated that he has also made a prayer to quash the charge sheet dated 17.2.2004 (Annexure-A-6) issued against the applicant.

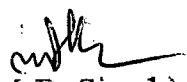
6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the applicant has been granted relief partly by revoking the order of suspension. As regards the enquiry is concerned, it is a settled legal position by the Hon'ble Supreme Court that normally the Courts/Tribunal should not scrutinize the merit of charges levelled against the applicant and they should not interfere with the enquiry during its pendency. As per law laid down by the Hon'ble Supreme Court in the case of **Union of India & Ors. Vs. Upendra Singh, (1994)27 ATC 200** the examination of correctness of the charges is **beyond the jurisdiction of the Tribunal**. In view of the law laid down by the Hon'ble Supreme Court, we cannot interfere with the enquiry being held by the respondents against the applicant for the charges levelled against him vide charge sheet dated 17.2.2004. Since the enquiry is going on for a long time, we direct



the respondents to complete the enquiry proceedings within 6 months from the date of receipt of a copy of this order. The applicant is directed to cooperate with the respondents. In case the applicant does not cooperate with the respondents in holding the enquiry, the respondents are at liberty to approach the Tribunal for seeking extension of time.

7. The OA is disposed of with the aforesaid directions. No costs.


(Ms. Sadhna Srivastava)
Judicial Member


(M.P. Singh)
Vice Chairman

skm

पृष्ठांकन सं ओ/नं. जवल्पुर, दि.
प्रतिलिपि जवल्पुर
(1) सदस्य, उच्च न्यायालय बार एसोसिएशन, जवल्पुर
(2) आवेदक श्री/श्रीमती/शु. के काउंसल
(3) प्रत्यक्षी श्री/श्रीमती/शु. के काउंसल
(4) मजिस्ट्रेट, कोर्ट, जवल्पुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु
6-4-05 उप रजिस्ट्रार

Vivek Mishra
AVBB
M. K. Verma
AVBB

Issued
On 6-4-05
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