

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

Original Application No.670 of 2004

Jabalpur this the 19th day of August, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. A.K. Bhattacharya, Member (J)

Lilly Mathews W/o Shri T.T. Mathews, Aged about 53 years
Post Graduate Teacher (English) Kendriya Vidyalaya, O.F.K.
Khamaria, Jabalpur (M.P.) R/o 21/1, Type II, Westland,
Khamaria, Jabalpur.

Applicant

By Advocate Shri G.P. Kakre

Versus

1. Union of India through the Principal Secretary, Ministry of Human Resources Development, New Delhi.
2. Kendriya Vidyalaya Sangathan through its Commissioner, 18, Institutional Area, Shaheedjit Singh Marg, New Delhi.
3. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Jabalpur Region, GCF Estate, Jabalpur (M.P.)

Respondents

None appeared

O R D E R (Oral)

By Hon'ble Mr. M.P. Singh, V.C.

By filing this O.A., the applicant has claimed the following reliefs:

- (i) This Hon'ble Tribunal may kindly be pleased to call for entire material record from the respondent pertaining to issuance of impugned order dated ..pg.2/-



10.08.2004 (annexure A-1) and order dated 30.4.2003
(Annexure A-2) for its kind perusal;

(ii) This Hon'ble Tribunal may kindly be pleased to quash the impugned order dated 10.08.2004 and 30.04.03 Annexure A-1 and A-2 respectively in the interest of justice.

(iii) This Hon'ble Tribunal may kindly be pleased to issue appropriate writ/order commanding the respondents not to disturb the applicant in any manner whatsoever and she may be permitted to continue to work on the post of PGT (English) in KVS.

(iv) Grant any other relief/s that this Hon'ble Tribunal may deems fit and proper in the facts and circumstances of the case to the applicant.

(v) Award the cost of the instant lis to the applicant.

2. In this case, the applicant who is working as PGT (English) in Kendriya Vidyalaya, Ordnance Factory, Khamaria, Jabalpur was charge-sheeted vide memorandum dated 30.04.2003 under Rule 14 of the C.C.S. (C.C.A.) Rules, 1965. The applicant has denied all the charges. Therefore, respondents have decided to hold a departmental inquiry by appointing an Inquiry Officer to investigate into the charges levelled against the applicant. The inquiry has been held by the Inquiry Officer and he has submitted the inquiry report to the disciplinary authority. The disciplinary authority vide its order dated 10.08.2004 has sent a copy of the findings of the Inquiry Officer and ~~also~~ to enable her to make representation or submission. The applicant instead of submitting his representation to the disciplinary authority, has approached this Tribunal and sought the relief at this stage to quash the charge sheet issued to him in April, 2003 and also the letter..pg.3/-

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dated 10.08.2004 issued by the disciplinary authority asking her to submit a representation against the finding of the Inquiry Officer. We find that the disciplinary authority is holding the inquiry under Rule 14 of C.C.S. (C.C.A) Rules, 1965 in accordance with rules and in order to give an opportunity of hearing and following the principle of natural justice, they have written a letter forwarding the findings of the Inquiry Officer to the applicant to submit her representation. The applicant instead of submitting the representation, has rushed to this Tribunal. The O.A. is, therefore, premature and is not maintainable. For this reason, we dismiss the O.A. No order as to costs.

3. Registry is directed to send a copy of this order alongwith copy of the O.A. to the official respondents immediately by the speed post.

(A. K. Bhattacharya)

(M.P. Singh)
Vice Chairman

/M.M./

कृतांकन सं. ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि अच्यु ठितः—

(1) सचिव, उच्च न्यायालय तथा एक्सीसिशन, जबलपुर

(2) अधिकारी श्री/महिला/दूसरे नामांकन के नामांकन

(3) अधिकारी श्री/महिला/दूसरे के कार्यालय

(4) दंस्ताना, लेप्र. अ. जबलपुर न्यायालय

सूबजा एवं आवश्यक कार्रवाही हेतु

G.P. Kalkne
Res. M. 1,2,3

Issued
On 20.8.04
B.S.