

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 523 of 2003

Jabalpur, this the 10<sup>th</sup> day of October, 2003.

Hon'ble Mr. Anand Kumar Bhatt, Administrative Member  
Hon'ble Mr. G. Shanthappa, Judicial Member

P.N. Singh  
S/o Shri Rangila Singh  
aged about 40 years,  
PET, presently temporarily attached  
at Jawahar Navodaya, Vidyalaya,  
Ramkiriya, District, Panna(M.P.)

APPLICANT

(By Advocate - Shri Anil Mishra)

VERSUS

1. Navodaya Vidyalaya Samiti,  
through Director,  
(Ministry of Human Resources  
Development Department of  
Education), A-39, Kailash  
Colony, New Delhi.

2. The Deputy Director,  
Navodaya Vidyalaya Samiti,  
Regional Office :-160, Zone-  
II, M.P. Nagar, Bhopal-  
4620011(M.P.)

3. The Deputy Director,  
Navodaya Vidyalaya Samiti,  
Regional Office Patna Boring  
Road Opposite A.N. College  
Patna.

4. The Principal  
Jawahar Navodaya, Vidyalayas  
Samiti Ramkhiriya,  
Dist. Panna, (MP)

RESPONDENTS

(By Advocate - Shri O.P. Namdeo)

ORDER

By G. Shanthappa, Judicial Member -

This application is filed by the applicant seeking the  
reliefs as under :-

- (1) To issue a writ in the nature of mandamus directing respondents to furnish/supply the enquiry report along with the statements of witnesses on which order dated 17/2/1999 imposing punishment was passed.
- (2) To issue a writ in the nature of mandamus commanding Appellate Authority to decide the appeal dated 18/3/1999 which till date is pending after giving due opportunity of hearing to the applicant.

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2. The advocate for the applicant Shri Anil Mishra has submitted, that the applicant was appointed as P.E.T. at Jawahar Navodaya Vidyalaya on 8.1.1993, his wife is also employed in the said Vidyalaya. While he was working under the respondents, he was suspended on 24.10.97 due to the misconduct of the applicant. The disciplinary proceedings was initiated on the basis of the enquiry report, Deputy Director i.e. disciplinary authority has passed an order on 17.2.99, taking the lenient view on humanitarian ground, deciding to impose a major penalty or reducing his pay in the time scale by 4 increments for 4 years with cumulative effect. In future he will be entitled to earn future increments as per FR 26.

3. After he received the said order, the applicant preferred an appeal dated 18.3.99, before the appellate authority. Subsequently, his wife Smt. Chandra Prabha submitted her representation dated 5.4.99 to the Deputy Director requesting to consider her grievances and that of her husband.

4. Along with OA, MA 1352/03 was also filed. The OA was filed on 7.7.03 and MA No. 1352/03 was not filed along with OA, the said MA was filed on 18.9.03. The reasons given in the MA is, the appeal was preferred in the year 1999 but till the date of the Original Application he has not received notice and order in the said appeal. The applicant on the assurance given by the respondents waited for the outcome of the appeal, as he did not want any strained relationship with his superiors. The applicant waited for two and half years. Hence there is no delay in filing the OA.

5. Shri O.P. Namdeo, the learned counsel for the respondents, had accepted the notice for the respondents. He



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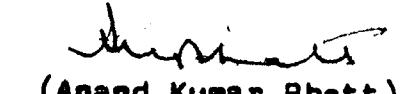
raised oral objection regarding maintainability of the OA on the ground of delay in filing the OA.

6. We have heard the arguments of either sides and perused the contents of the OA and the documents along with reasons given in the MA for condonation of delay in filing the OA. The applicant was suspended on 24.10.1997. He received the order of the punishment dated 17.2.99, on 22.2.99

7. He challenged the said order of punishment in an appeal before the appellate authority on 18.3.99. The OA is filed on 7.7.03 and the MA No. 1352/03 for condonation of delay in filing the OA was on 18.9.03. We perused the contents of MA for condonation of delay in filing the OA. In the MA there is no explanation for delay caused to approach this Tribunal. Each and every day of delay in approaching the Tribunal has to be explained by assigning reasons showing the bonafide. The contents of the MA for condonation of delay is bald. No sufficient cause is shown, hence the MA is liable to be dismissed. Consequently the OA is also liable to be dismissed as not maintainable on the ground of delay/laches.

8. Accordingly, the OA is dismissed without touching the merits of the case. No costs.

  
(G. Shanthappa)  
Judicial Member

  
(Anand Kumar Bhatt)  
Administrative Member

SKM

पूर्णका सं ओ/न्या.....जवाहर, दि.....  
परिवर्तित 10/10/2003  
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सूक्ष्म विवरण कार्यक्रम के

*Arul mishra, Adm  
O P Namdeo, Adm  
Treasurer  
14-10-03*