

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 19.03.2012

OA No. 329/2008

Mr. Amit Mathur, counsel for applicant.
Mr. V.S. Gurjar, counsel for respondents.

Heard. O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

J.C. S. Rathore

(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 329/2008

DATE OF ORDER: 19.03.2012

CORAM

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Madhvi Sharma D/o Shri P.M. Sharma, aged about 45 years, R/o 81/113, Mansarovar, Jaipur, presently working as PGT in Kendriya Vidhyalaya No. 2, Jaipur (Rajasthan).

...Applicant

Mr. Amit Mathur, counsel for applicant.

VERSUS

1. The Joint Commissioner (Administration), Kendriya Vidhyalaya Sangathan, New Delhi.
2. The Assistant Commissioner, Kendriya Vidhyalaya Sangathan, Jaipur Region, Jaipur.
3. The Principal, Kendriya Vidhyalaya No. 2, Jaipur, Cantt, Jaipur (Rajasthan).

...Respondents

Mr. V.S. Gurjar, counsel for respondents.

ORDER (ORAL)

The present Original Application is directed against the impugned order dated 18.08.2008 (Annexure A/1) whereby the services of the applicant have been terminated.

2. Learned counsel appearing for the applicant refers this order dated 18.08.2008 (Annex. A/1) as well as the reply submitted on behalf of the respondents. By referring the impugned order dated 18.08.2008 (Annex. A/1) and the reply submitted by the



respondents, more particularly para 11, the applicant is able to make out the case submitting that in the impugned order dated 18.08.2008 (Annex. A/1), it is stated that the applicant is utterly failed to represent and file any reply in response to the show cause notice whereas it is admitted fact that on the date of passing of the impugned order dated 18.08.2008 (Annex. A/1), the respondents have received the reply submitted by the applicant, which is clear from the perusal of the original records, as has been placed by the learned counsel for the respondents.

3. Thus, in view of the factual aspect that the applicant has filed the reply on 18.08.2008 to the show cause notice, which is admittedly received by the office of the respondents on 18.08.2008 itself but the impugned order dated 18.08.2008 (Annex. A/1) has been passed by the respondents without considering the reply received on 18.08.2008, thus, in the impugned order dated 18.08.2008 (Annex. A/1) wrongly mentioned that Smt. Madhvi Sharma, applicant, failed to submit her reply. Therefore, in the interest of justice, without expressing any opinion on the merit of the case, we deem it proper to quash and set aside the impugned order dated 18.08.2008 (Annex. A/1) and remit the matter back to the respondents to consider the reply submitted by the applicant and shall pass fresh speaking order as per rules.

4. Accordingly, the impugned order dated 18.08.2008 (Annex. A/1) is hereby quashed and set aside, and the matter is remitted back to the respondents to consider the reply dated



18.08.2008 to the show cause notice, received by the office of the respondents on 18.08.2008, and they shall pass a fresh reasoned and speaking order.

5. However, it is made clear that if any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application.

6. With these observations and directions, the Original Application stands disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

kumawat