

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

ORDERS OF THE TRIBUNAL

12.07.2011

CP 25/2010

(OA 424/2005)

OA 116/2011

Mr. Rajendra Vaish, counsel for applicant.

Mr. V.S. Gurjar, counsel for respondent

Heard learned counsel for parties.

The CP stands disposed of alongwith MA by a separate order.

*Anil Kumar*

(Anil Kumar)  
Member (A)

*K.S. Rathore*

(Justice K.S. Rathore)  
Member (J)

*mk*

*Bm*

Central Administrative Tribunal  
Jaipur Bench, JAIPUR

CP No.25/2010  
In  
(OA No.424/2005)  
MA No.116/2011

This the 12th day of July, 2011

**Hon'ble Shri Justice K.S. Rathore, Member (Judicial)**  
**Hon'ble Shri Anil Kumar, Member (Administrative)**

Dr.Lalit Kishore son of Late Shri Chaman Lal, aged about 64 years,  
Resident of 68, Jai Jawan Colony, JLN Marg, Jaipur.  
Previously Assistant Commissioner of KVS.

...Applicant

(By Advocate: Shri Rajendra Vaish)

**- VERSUS -**

Shri Avinash Dixit, IAS  
Commissioner, Kendriya Vidhyalaya Sangathan,  
18, Institutional Area, Shaheed Jeet singh Marg,  
New Delhi-110016.

.....Contemnor/Respondent

(By Advocate: Shri V.S.Gurjar)

**ORDER (ORAL)**

Heard the rival submissions of the respective parties.

2. Learned counsel for the respondent/ contemnor has produced the letter dated 13.5.2011 passed by the respondent in regard to the compliance of order of Tribunal dated 02.12.2009 by which the Tribunal has directed as under "thus keeping in view of the totality of the circumstances of the case, we are of the view that the order dated 20.04.2001 (Annexure A/1) whereby the applicant has been removed from service of KVS is required to be modified/superseded to the extent that the order of removal from service from KVS shall be treated as voluntary retirement of the applicant under FR 56 (K) (1)". Pursuant to the direction of the Tribunal, the respondent (Kendriya Vidhyalaya Sangathan) has treated the order of removal from service as voluntary retirement

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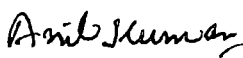
under Rule 56(K) (1) of the FR 56. The said letter dated 13.5.2011 passed by the respondent is taken on record.


3. Learned counsel for the applicant submits that the order dated 13.5.2011 passed by the respondent is only a part-compliance of the order of this Tribunal dated 02.12.2009 as the second direction with regard to take decision on the representation of the applicant which was to be filed within 15 days has not been complied with and as such the representation of the applicant is still pending.

4. In the interest of justice, we deem it proper to direct the respondent to fully comply with direction of this Tribunal dated 02.12.2009 and pass appropriate order on the representation of the applicant within four weeks from the date of receipt of a copy of this order. Needless to add that if the respondent fails to dispose of the representation of the applicant within the stipulated period, the applicant shall be at liberty to revive this CP.

5. The CP stands disposed of accordingly. Notice issued to the respondent is discharged.

6. In view of the order passed in the CP, no order is required to be passed in the MA, which shall also stand disposed of accordingly.

  
(Anil Kumar)  
Member (Administrative)

  
(Justice K.S.Rathore)  
Member (Judicial)

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