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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET
ORDERS OF THE TRIBUNAL

22.07.2010.

OA No. 337/2010

Mr. Sanjay Sharma, counsel for applicant

Heard the learned counsel for the applicant at admission stage.

For the reasons dictated separately in the open court, the OA stands disposed of.


(M.L. CHAUHAN)
Judl. Member

R/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

JAIPUR, this the 22nd day of July, 2010

Original Application No. 337/2010

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)

Richard Rajesh Kumar
s/o Sh. Innocent Hizkiel,
r/o 815/26, Vikaspuri, Christian Ganj,
Vikaspuri, Ajmer
Ajmer, presently working as PPT,
Kendriya Vidyalaya at Narirabad.

.. Applicant

(BY Advocate: Shri Sanjay Sharma)

Versus

1. Union of India
through Secretary,
Ministry of Human Resource
Development,
New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Sahid Jeet Singh Marg,
New Delhi.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office,
92, Gandhi Nagar Marg,
Bajaj Nagar, Jaipur
4. Principal,
Kendriya Vidyalaya,
Nasirabad,
Rajasthan.

... Respondents

(By Advocate:)



ORDER (ORAL)

The grievance of the applicant in this case is that although the appeal filed against the minor punishment as imposed vide order dated 10/11.8.2009 (Ann.A/1) and another order dated 9/11.8.2009 (Ann.A/2) was filed on 17.8.2009 (Ann.A/6) but the said appeal has not been decided by the Appellate Authority till date as is apparent from the order dated 12.4.2010 (Ann.A/7).

2. According to me, so long as appeal of the applicant is not decided, which is one of the statutory remedies available to the applicant, this OA cannot be entertained in view of the law laid down by the Constitution Bench of the Hon'ble Apex Court in the case of S.S.Rathore vs. State of M.P., AIR 1990 SC 10.

3. From the material placed on record, it is also apparent that appeal was filed by the applicant on 17.8.2009 and the same appears to have not been decided although considerable period has already lapsed. The Constitution Bench of the Hon'ble Apex Court in the aforesaid case has also observed that statutory appeal should be decided expeditiously and in any case before expiry of six months' period.

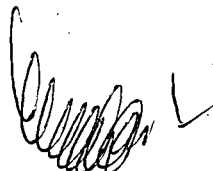
4. In view of the law laid down by the Hon'ble Apex Court in the case of S.S.Rathore (supra), I am of the view that it will be in the interest of justice, if direction is given to the Appellate Authority to decide the appeal of the applicant dated 17.8.2009 (Ann.A/6) by passing speaking and reasoned order. Accordingly, Assistant Commissioner, Kendriya Vidyalaya Samiti (respondent No.3) is



directed to decide appeal of the applicant within a period of two months from the date of receipt of a copy of this order by passing reasoned and speaking order. It is made clear that I have not gone into merit of the case and the OA is being disposed of only on the ground that the Appellate Authority has not decided the appeal expeditiously, which the Appellate Authority was bound to decide.

5. With these observations the OA stands disposed of at admission stage.

6. Needless to add that in case adverse order is passed by the Appellate Authority, it will be open for the applicant to challenge the same by filing substantive OA.



(M.L. CHAUHAN)
Judl. Member

R/