

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Dated : This the 12th day of October 2018

Original Application No. 330/01099 of 2016

Hon'ble Mr. Gokul Chandra Pati, Member – A

Geeta Dwivedi, W/o Sri Milan Kant, R/o D-1, Staff Quarter, Kendriya Vuidyalaya – II, Air Force, Chakeri, Kanpur.

. . .Applicant

By Adv : Shri B.D. Tiwari

V E R S U S

1. Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
2. Assistant Commissioner (Vigilance), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.

. . .Respondents

By Adv: Shri D.P. Singh

O R D E R

In this OA, the applicant has challenged the suspension order dated 31.03.2016 (Annexure No. 1) in which she was placed under suspension since a disciplinary proceedings against her was contemplated. The case of the applicant is that although more than 03 months have passed, no charge sheet has been served against the applicant and he suspension order was extended from time to time.

2. At the time of hearing today, the applicant's counsel submitted that in the meantime the suspension order has been revoked by the respondents on 19.12.2016 and she was posted to Kendriya Vidyayaya, Gandhi Dham. However, since the applicant had some difficulty, she could not join at Gandhi Dham and requested for a change of posting. This request was considered and the applicant was posted to Kendriya Vidyayaya, Datia vide order dated 19.05.2017 and she joined there on 23.05.2017. Learned counsel for the applicant further submitted that for the period from the date of suspension till 23.05.2017 the applicant has been paid 50% subsistence allowance for the part of the period and for the rest of the period 75% of the pay as subsistence allowance. He further

submitted since no charge sheet has been served upon the applicant on the date of joining on 23.5.201, for which, she should be allowed the benefit of service for this period.

3. Learned counsel for the respondents submitted that he has filed counter reply dated 27.02.2018 stating the present status of the case. An amount of Rs. 3,33,870/- has been paid to the applicant towards the substance allowance. He prayed that the OA has become infructuous since the applicant has been reinstated after revocation of the impugned suspension order.

4. It is seen that the reliefs prayed for in the OA are for quashing of the suspension order dated 31.03.2016 and for reinstatement of the applicant in service. Both these prayers have been taken care by the decision of the respondents to revoke the suspension order and posting the applicant in Kendriya Vidyayaya Datia. The only point that survives relates to the applicant's service for the period from the date of suspension i.e. 31.03.2016 to 23.05.2017, for which respondents have to take appropriate decision as per rules.

5. In view of the above the OA is disposed of with the direction to the applicant to submit a fresh representation mentioning her pending grievance including regularization of the period from the date of suspension till the date of joining at Kendriya Vidyayaya, Datia, enclosing a copy of her earlier repetition dated 20.06.2017 (as stated in para 4.31 of the amended OA), to the respondent No. 1 through proper channel, to consider the same as per rules. On receipt of the said representation, the respondent No. 1 / competent authority is directed to consider the same and dispose it of by passing a speaking order as per the extant rules, copy of which shall be communicated to the applicant within 03 month from the date of receipt of the representation of the applicant as stated above.

6. The OA is disposed of as above. No costs.

(Gokul Chandra Pati)
Member (A)

/pc/