

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00452/2018

Wednesday, this the 13th day of June, 2018.

CORAM:

**HON'BLE Mr. U. SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE Mr. E.K. BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

Krishnappa C.B.,
Aged 48 years, S/o. Basappa (late),
Post Graduate Teacher (Chemistry),
Jawahar Navodaya Vidyalaya, Maniyoor,
Palayad Nada Post, Vadakara, Kozhikode District,
PIN – 673 521.
Residing at: Quarters No.5,
Jawahar Navodaya Vidyalaya, Maniyoor,
Palayad Nada Post, Vadakara, Kozhikode District,
Pin – 673 521.

- **Applicant**

[By Advocate : Mr. T.C. Govindaswamy]

Versus

1. The Commissioner,
Navodaya Vidyalaya Samiti,
Department of School Education & Literacy,
Government of India, B 15, Institutional Area Sector 62,
Noida, Budh Nagar, Uttar Pradesh – 201 309.
2. The Deputy Commissioner,
Navodaya Vidyalaya Samiti (Hyderabad Region),
N.L.I Building, Nalagandlla Road,
Post and Village Gopanpally, Rangareddy District,
Hyderabad – 500 107, Telengana State.
3. The Principal,
Jawahar Navodaya Vidyalaya, Maniyoor,
Palayad Nada Post, Vadakara,
Kohzikode District, Pin – 673 521.
4. Smt. Mary P. Mani,
Principal, Jawahar Navoaya Vidyalaya,
Maniyoor, Palayad Nada Post, Vadakara,
Kozhikode District, Pin – 673 521.

- **Respondents**

[By Advocate : Mr. Millu Dandapani]

The application having been heard on 13.06.2018, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Per: E.K. Bharat Bhushan, Administrative Member

1. The applicant, represented by Mr. T.C. Govindaswamy, is aggrieved by the institution of the second Charge Memo, which is at Annexure A1 and has challenged it through this OA. Shri. T.C. Govindaswamy seeks an interim stay on the action subsequent to Annexure A1 on the ground that already the enquiry in consequence to an earlier Charge Memo at Annexure A2 has still not been concluded. We understand that this is the subject matter of another OA (OA No. 180/960/2016) pending before this Tribunal.

2. Shri. Millu Dandapani was heard on behalf of the respondents.

3. After hearing the submissions made by both sides, we are not inclined to stay the operation of Annexure A1. However, we feel it necessary to direct the respondents that any enquiry pursuant to Annexure A1 Memo, if initiated, should be completed within a period of six months from today positively.

4. The applicant is directed to cooperate fully with the enquiry. In the event, the enquiry is not completed within the time indicated, the process will deem to have *non est*. The OA is disposed of as above. No costs.

**(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(U. SARATHCHANDRAN)
JUDICIAL MEMBER**

Applicant's Annexures

Annexure A1- A true copy of Memorandum bearing PF No. PCH/5-81/NVS (HR)/ ESTT-II/2017/3944 dated 21.02.2018, issued by the 2nd respondent.

Annexure A2- A true copy of Memorandum of Charges bearing PF No.PCH/5-81/NVS(HR)/2012/6811dated 08.03.2012, issued by the 2nd respondent.

Annexure A3- A true copy of representation dated 14.08.2017 submitted to the Inquiring Authority and to the Principal JNV/Kannur

Annexure A4- A true copy of order of suspension under PF No. PCH/5-81/NVS(HR)/Estt.II/2017 dated 06.12.2017, issued by the 2nd respondent.

Annexure A5 A true copy of interim order in OA No. 180/01049/2017 dated 13.12.2017, rendered by this Hon'ble Tribunal.

Respondents'Annexures

Nil.

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