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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10453/2015, CM APPL. Nos. 26234-35/2015 and 26237/2015**

KENDRIYA VIDYALAYA SANGATHAN Petitioner
Through : Mr. S. Rajappa, Advocate.

versus

SANJAY KUMAR YADAV Respondent
Through : None.

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
% **05.11.2015**

CM APPL. No. 26236/2015

1. Exemption allowed subject to all just exception.
2. Application stands disposed of.

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3. Petitioner is aggrieved by the order dated 17.10.2014 passed by the Central Administrative Tribunal (CAT).
4. A chargesheet was issued against the respondent by the petitioner. Thereafter, representation of the respondent found unsatisfactory and a penalty was imposed by the Principal of the school for withholding of two future increments w.e.f. 01.07.2012. An appeal against the said order was rejected, infact Appellate Authority vide order dated 04.09.2012 proposed to enhance the penalty. The representation of the respondent was also rejected. Resultantly, the respondent

approached the Central Administrative Tribunal. The OA filed by the respondent herein was allowed primarily on the ground that the chargesheet and the order of penalty was not passed either by the Appointing Authority or by the Disciplinary Authority.

5. Mr. S. Rajappa, learned counsel for the petitioner submits that the petitioner does not wish to press the matter on merits as far as it relates to the question of quashing of penalty, is concerned. But, he submits that the legal issue should be kept open to be decided in appropriate proceedings as Kendriya Vidhyalaya Sangathan is governed by the Education Code and as per Article 80 (A) read with Schedule II “A Principal would be empowered to initiate an inquiry and impose the punishment in respect of staff of the school.”
6. Since, learned counsel for the petitioner has not pressed the order by which punishment stands quashed, the writ petition is disposed of leaving the question with regard to the Appointing Authority and Disciplinary Authority of the Kendriya Vidhayalaya Sangathan open. Let order of the Tribunal be complied with within three weeks from today.
7. Present writ petition along with all pending application are disposed of in above terms.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 05, 2015 / gr