

Smt. A. R. Mambayil,

....Vs....

Aros Shikshan Prasarak Mandal & Ors.

Order below Exh. 23
(Date - 03.07.2024)

Present application is filed by the respondent management for dismissal of the appeal for non compliance of Rule 39(3) of M.E.P.S. Rules. The appellant has filed her say and raised strong objection towards the application.

2. According to the appellant, the appellant has filed present appeal against the order of termination, the appellant has only filed the order of termination alongwith the appeal, but, the other documents in custody of the appellant upon which she has relied at all stages of the inquiry in para no. 9 to 11, 15, 31, 36 and 39 of the appeal has not filed on record. Therefore, for non compliance of Rule 39(3) appeal is not maintainable.

3. The appellant in her say has submitted that, only termination order was served on the appellant in original in nature, all other documents were not provided by the management, therefore, the documents were not produced alongwith the appeal. Moreover, the xerox copies of the proceeding which have been custody of the appellant, having no value as evidence, filed on record by the appellant on today itself.

4. I gone through the provisions made in Rule 39(3) of the M.E.P.S. Rules, it is mandatory on the part of the

appellant that he have to file all documents upon which he is going to rely. Considering the production on record below Exh. 25 the appellant has filed all relevant documents on record and irregularity as regard to compliance of 39(3) of M.E.P.S. Rule has duly made by the appellant. Thus, present application is not deserves to be allowed. Hence, application is filed.

Date :- 03.07.2024
Place:- Kolhapur.

(V.N.Dhavle)
Presiding Officer,
School Tribunal, Kolhapur.