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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.660/2002

Friday, this the 8th day of March, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. B.S. Ahlawat
S/O Shri Udai Singh
Permanent resident of
887/28, Jyoti Park
Gurgaon - 122 001.

..Applicant

(By Advocate: Shri L.R. Khattana)

Versus

1. Commissioner
Kendriya Vidyalaya Sangathan
18, Shaheed Jit Singh Marg
New Mehrauli Road
New Delhi
2. Assistant Commissioner
Kendriya Vidyalaya Sangathan (Delhi Region)
JNU Campus
New Mehrauli Road
New Delhi
3. Assistant Commissioner
Kendriya Vidyalaya Sangathan (Bhopal Region)
Opposite Central India Flour Mills
Bhopal

..Respondents

O R D E R (ORAL)

whri Justice Ashok Agarwal:

In disciplinary proceedings initiated against the applicant, following penalty was imposed upon him by an order passed on 31.5.1995 at Annexure A-1 (Colly.):-

"4.... major penalty of reduction of pay by 5 stages from Rs.2000/- to Rs.1700/- in the scale of pay of Rs.1640-60-2000-EB-60-2300-EB-75-2900 for a further period of three years with immediate effect with further direction that Sh. B.S.Ahlawat will not earn increment during the period of reduction that on the expiry of this period, the reduction will have the effect of postponing his future increment of pay."


2. Aforesaid order of reduction of pay was thereafter modified by an order passed on 18.6.1998 whereby applicant's pay was reduced from Rs.2240/- to 1940/-. The period of penalty of three years has expired on 31.5.1998. The question which has been raised in the present OA is regarding fixation of applicant's pay after expiry of the period of penalty. It is the claim of the applicant that w.e.f. 31.5.1998, he is entitled to be restored to his original pay of Rs.2240/- and is thereafter entitled to his regular increments.

3. Shri L.R.Khattana, the learned Advocate appearing in support of the OA has drawn our attention to Govt. of India's OMs dated 17.8.1959 and 9.6.1960 under F.R. 29 of Swamy's Fundamental Rules Part-I General Rules which, inter alia, provides as follows:-

"(b) The question as to what should be the pay of a Government servant on the expiry of the period of reduction should be decided as follows:-

(i) if the original order of reduction lays down that the period of reduction shall not operate to postpone future increments or is silent on this point, the Government servant should be allowed the pay which he would have drawn in the normal course but for the reduction. If, however, the pay drawn by him immediately before reduction was below the efficiency bar, he should not be allowed to cross the bar except in accordance with the provisions of F.R. 25;

(ii) if the original order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the Government servant shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed as not counting for increments."

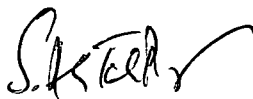


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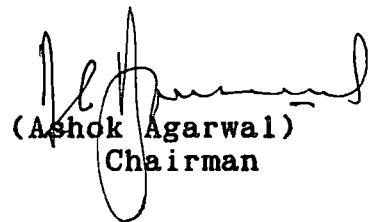
4. In this behalf, he has submitted his representation of 1.6.1998 at Annexure A-2. No decision thereof has ^{for}so been taken. In the circumstances, we find that interests of justice will be duly met by disposing of the present OA at this stage itself even without issue of notices with a direction to the respondents to dispose of the aforesaid representation and fix the applicant's pay by passing reasoned and speaking order expeditiously and in any event within a period of eight weeks from the date of receipt of a copy of this order. We direct accordingly.

5. Present OA is disposed of in the aforestated terms.



(S.A.T. Rizvi)
Member (A)

/sunil/



(Ashok Agarwal)
Chairman