

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. No. 1800/1999

New Delhi this the 20th March, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (J)

HON'BLE MR. S.A.T. RIZVI, MEMBER (A)

(20)

1. Kendriya Vidyalaya Sangathan Staff Association
Through Gen Secretary 18, Institutional Area, (T^HRU - M.N. Haider)
Shaheed Jeet Singh Marg
New Delhi
2. Ashok Kumar
Daftry, KVS, New Delhi
R/o I/1 Sector 33, Noida
3. Kannaihya Manjhi
L.D.C. KVS, New Delhi
R/o I/2 Sector 33, Noida
4. K.M. Sunny
Electrician KVS, New Delhi
R/o I/3 Sector 33, Noida
5. Rakesh Kumar Sharma
Accounts Clerk KVS, New Delhi
R/o I/3 Sector 33, Noida
6. Nirajan Singh
Group D Staff KVS, New Delhi
R/o I/4 Sector 33, Noida
7. Ragubir Singh
Group D Staff KVS, New Delhi
R/o I/5 Sector 33, Noida
8. Smt K.N. Chandrakala
L.D.C. KVS, New Delhi
R/o I/6 Sector 33, Noida
9. Rajender Mandal
Group D Staff KVS, New Delhi
R/o I/7 Sector 33, Noida
10. Surrender Sharma
Group D Staff KVS, New Delhi
R/o I/8 Sector 33, Noida

(21)

11. Mahabir Rawat
Group D Staff KVS, New Delhi
R/o II/1 Sector 33, Noida
12. Kishan Singh Karkee
Daftary, KVS, New Delhi
R/o II/2 Sector 33, Noida
- 13 Regi John
Accounts Clerk, KVS, New Delhi
R/o II/3 Sector 33, Noida
14. N.S.Bisht
Accounts Clerk, KVS, New Delhi
R/o II/4 Sector 33, Noida
15. H.C.Upreti
UDC , KVS, New Delhi
R/o II/5 Sector 33, Noida
16. P.Krishnakumar
Assitant , KVS, New Delhi
R/o II/6 Sector 33, Noida
17. B.S.Rawat
Audit Assistant , KVS, New Delhi
R/o II/7 Sector 33, Noida
18. J.S.Negi
Accounts Clerk , KVS, New Delhi
R/o II/8 Sector 33, Noida
19. Anish Kumar
Assitant , KVS, New Delhi
R/o II/9 Sector 33, Noida
20. Daniel Baxla
LDC , KVS, New Delhi
R/o II/10 Sector 33, Noida
21. Gajraj Singh
LDC , KVS, New Delhi
R/o II/11 Sector 33, Noida
22. P.K.Dixit
UDC , KVS, New Delhi
R/o II/12 Sector 33, Noida
23. R.C.Joshi
Accounts Clerk , KVS, New Delhi
R/o II/13 Sector 33, Noida

22

24. Balwant Singh
Accounts Clerk, KVS, New Delhi
R/o II/14 Sector 33, Noida
25. Ganga Saran
Daftary, KVS, New Delhi
R/o II/15 Sector 33, Noida
26. U.C.Saxena
UDC , KVS, New Delhi
R/o II/16 Sector 33, Noida
27. Mansingh Rawat
LDC , KVS, New Delhi
R/o II/17 Sector 33, Noida
28. Mahender Singh
Account Clerk , KVS, New Delhi
R/o II/18 Sector 33, Noida
29. Harinder Prasad
Acccounts Clerk , KVS, New Delhi
R/o II/19 Sector 33, Noida
30. Smt Rajkali
LDC , KVS, New Delhi
R/o II/20 Sector 33, Noida
31. R.P.Tiwari
Audit Assistant , KVS, New Delhi
R/o III/1 Sector 33, Noida
32. T.S.Giri
T.O , KVS, New Delhi
R/o III/2 Sector 33, Noida
33. R.N.Sharma
Stat. Assistant , KVS, New Delhi
R/o III/3 Sector 33, Noida
34. S.N.Singh
Supdt. (A/cs) , KVS, New Delhi
R/o III/4 Sector 33, Noida
35. A.K.Thakur
S.O , KVS, New Delhi
R/o III/5 Sector 33, Noida

36. A.S.Bisht
Asst. , KVS, New Delhi
R/o III/7 Sector 33, Noida
37. J.N. Manjhi
Supt. (A/cs) , KVS, New Delhi
R/o III/8 Sector 33, Noida
38. A.K.Kakkar
U.D.C , KVS, New Delhi
R/o III/9 Sector 33, Noida
39. S.Dutta
S.O , KVS, New Delhi
R/o III/10 Sector 33, Noida
40. K.Somasekharan
S.O , KVS, New Delhi
R/o III/11 Sector 33, Noida
41. R.K.Sharma
S.O , KVS, New Delhi
R/o III/12 Sector 33, Noida
42. K.R.Thakur
Asst. , KVS, New Delhi
R/o III/13 Sector 33, Noida
43. M.C.Chaturvedi
Audit Asst. , KVS, New Delhi
R/o III/14 Sector 33, Noida
44. R.K.Sharma
S.O , KVS, New Delhi
R/o III/15 Sector 33, Noida
45. J.P. Jain
Asst. , KVS, New Delhi
R/o III/16 Sector 33, Noida
46. M.N.Haider
Asst. , KVS, New Delhi
R/o III/17 Sector 33, Noida
47. A.K.Bhardwaj
Supdt.(A/cs) , KVS, New Delhi
R/o III/18 Sector 33, Noida
48. Rakesh Kumar
Asst. , KVS, New Delhi
R/o III/22 Sector 33, Noida

49. Rajender Singh
Steno Grade-II, KVS, New Delhi
R/o III/23, Sector-33, Noida.

50. Satish Chandra
T.O. KVS, New Delhi
R/o III/24, Sector-33, Noida...Applicants

By Advocate: None

Versus

The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area, Shahjeed Jeet Singh Marg
New Delhi.Respondents

By Advocate Shri S. Rajappa.

ORDER

Hon'ble Mr. Kuldip Singh, Member (J)

The applicants in this case are aggrieved of the order No.F.13-10/99-KVS (S&S) dated 14.5.99, i.e., Annexure-I whereby the respondents have sought to recover arrears of electricity bill for the period from November, 1995 to November, 1998 and all future bills on the basis of a rate worked out by the Kendriya Vidyalaya Sangathan by adopting an arbitrary, irrational, baseless and illogical formula even though the occupants of the official quarters have paid the electricity bill for this period on the basis of actual consumption. The quarters in question belong to the respondent and it is stated that the meter reading regarding the consumption is done by the Standing Committee appointed by the respondent and on the basis of this meter reading, the respondent deducts the the amount of electricity dues from the salary of the applicants. Therefore, it is stated that it is the respondent alone which is involved in the calculation and deduction of electricity dues and

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having deducted the electricity dues from the occupants on the basis of actual consumption at U.P. State Electricity Board (hereinafter referred to as UPSEB) rates and any amount over and above the actual consumption by the occupants must be borne by the respondents themselves.

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2. Facts in brief are that the applicants, who are employees of the respondents had been allotted official accommodation by the respondents and in all there are 52 quarters at Noida specifically for the employees of KVS Headquarters. The electricity supply by the UPSEB at one point of time was supplied by a system known as "one point supply" from where it is distributed among the residents and there are certain common facilities which are also being served through the same common supply by the electricity supplied by the UPSEB.

3. To regulate this system, the respondents have also approved the constitution of a Standing Committee duly approved by the Commissioner, KVS consisting of senior officers and other staff members empowering and requiring them to take the reading from the independent and separate metres to be installed, calculate the amount on UPSEB domestic rates payable by the occupant according to the meter reading and submit the same to the KVS on a monthly basis.

4. The impugned order has been issued when KVS had received a bill of Rs.7,68,420.00 from the UPSEB

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for the period from 6.11.1995 to November, 1998. From this amount, the respondents deducted the licence fees which has to be recovered from the occupants, the amount already paid by the allottees on the basis of actual consumption for the period from November, 1995 to November, 1998 and sought to recover the balance amount of Rs.4,31,139.00 from the allottees by applying the flat rate formula. This is being stated to be illegal, arbitrary and thus have prayed for the quashing of the Annexure A-1.

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5. Respondents contested the OA and pleaded that according to conditions of allotment the water and electricity charges will be payable by the allottees themselves and they are supposed to pay charges direct to the authorities concerned or in the alternative, recovery is to be made from the emoluments paid to them.

6. It is further stated that UPSEB has not considered the request of the respondents to instal individual metres to the allottees but they insisted for a one point supply system and not to provide separate metres to each individual consumer. The licensee who are actual consumers are supposed to pay the demand made by the UPSEB.

7. When the department received a sum of Rs.7,68,420/- for the period from 6.11.1995 to November, 1998, a system of recovery had to be worked out because it was found that the occupants had paid



only a meagre amount of Rs.1,54,562/- which was only half of the electricity charges of Rs.3,37,281/- already paid by the Kendriya Vidyalaya Sangathan for the aforesaid period so the impugned order was issued.

27

8. Today the case was listed for hearing. Since no one turned up on behalf of the applicants so we have heard the learned counsel for the respondents.

9. The learned counsel for the respondents pointed out that earlier the applicants had gone to the Hon'ble High Court and filed a Writ Petition and the Hon'ble High Court vide order in CWP No.6711/99 dated 4.11.1999 disposed of the said Writ Petition directing that the petitioners association will give an authority to the respondent to deduct the amount of electricity in terms of Annexure P-2 (in the original writ petition, which has been challenged in the OA and is annexed as Annexure A-1) and certain other directions were also ~~given~~ considered as per the order and the petition was disposed of.

10. The counsel for the respondents submitted that the matter has since been finally decided as being maintainable, as such the applicants should abide by the orders passed by the Hon'ble High Court of Delhi.

11. Besides that the counsel for the respondents submitted that this recovery of aforesaid charges and payment of the same is a matter between

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UPSEB and the applicants directly and Kendriaya Vyayalaya Sangathan has no role to play and moreover it is not a service matter as per the AT Act, so the OA is not maintainable.

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12. In this connection we may also mention that when the OA was originally filed vide an interim order 27.10.1999, the respondents were directed not to deduct the electricity charges except on the basis of actual consumption as per meter reading. The said order was later modified by order dated 28.10.1999. In that order the respondents were directed to pay an amount of Rs.7000/- ^{PM} which is stated to be the employers Licence Fee per month. Thus in a way the Tribunal directed that Rs.7000/- ^{PM} be paid towards the future bills and the applicants themselves were to arrange the payment of bill to the UPSEB. This interim order makes it clear that the applicants have themselves accepted from the respondents liability for making direct payment to the UPSEB. Besides that since the applicants had agreed before the Hon'ble Delhi High Court over the impugned order when certain directions were given and the Writ Petition was finally disposed of though liberty was given to the applicants to agitate the matter before this Tribunal, but it appears that since no one has appeared to pursue this OA, the applicants seem to be satisfied with the order passed by the Hon'ble High Court and we are informed that applicants have already made payment

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to UPSEB, probably nothing survives to be decided.

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13. In view of the above, nothing survives in the OA which is accordingly disposed of. No costs.

S.A.T. Rizvi

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

Kuldeep Singh
(Kuldeep Singh)
Member (J)

Rakesh