

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.258/2000

(14)

Monday, this the 1st day of January, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Smt. Pritibha Sharma, W/O Naveen Chand Sharma R/O 14/204, Mohalla Niyadar Ganj, Dadri, Distt. Gautam Budh Nagar, U.P.
2. Dhirendra Kumar, S/O Shri Jogendra Pal Singh, R/O Shankar Vihar Colony, Aligarh, U.P. Working as TGT Biology.
3. Smt. Kusum Lata, W/O of Sri Mukesh Arora, R/O P-66-A, Sanjay Nagar, Ghaziabad, U.P. working as PGT.
4. Hukum Singh, S/O of Shri Chidda Ram, R/O Village Khan Pur P.O. Kasna, Distt. Gautam Budh Nagar working in Group 'D'.
5. Balbir Singh, S/O Shri Faqir Chand, Village Makanpur, P.O. Makanpur, Distt. Ghaziabad, U.P. Working as P.R.T.  
*Xes*
6. Mrs. Ursula/ W/O Mr. John Basant Minz, SHA-365, Shastri Nagar, Ghaziabad.

All the petitioners are employed in Central Shool, Air Force Station, Dadri (Badal Pur), Distt. Ghaziabad UP.

..Applicants

(By Advocate:- None)

VERSUS

1. Union of India, through its Secretary, Ministry of Finance, Deptt. of Expenditure, North Block, New Delhi-1.
2. Commissioner, Kendriya Vidyalaya Sangthan, 18, Industrial Area, Shaheed Jeet Singh Marg, New Delhi.
3. Deputy Commissioner (FInance) Kendriya Vidyalaya Sangthan, 18, Industrial Area, Shaheed Jeet Singh Marg, New Delhi.

..Respondents

(By Advocate: Shri S.Rajappa)

O R D E R (ORAL)

None appeared on behalf of the applicants even on second call.

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2. The learned counsel for the respondents 2 and 3 points out that the applicant Teachers, six in number, are aggrieved by the order dated 4.5.1998 issued by the Sr. Accounts Officer, directing the Principal of K.V, AFS Dadri (Annexure A-1) to stop the payment of HRA/CCA at the rates applicable to A-1 class city, holding at the same time that Ghaziabad is a B-2 class city. The representation filed by the applicants has been rejected after due consideration by the Deputy Commissioner (Finance) vide his letter dated 29.10.1998 (Annexure A-2). Accordingly the applicants seek quashment of the aforesaid letters dated 4.5.1998 and 29.10.1998.

3. The applicants instead rely on Finance Ministry's OM dated 14.5.1993 and another OM dated 3.10.1997 for purposes of payment of HRA/CCA. I have, in accordance with the plea advanced by the applicants in this OA, perused the Finance Ministry's OM dated 14.5.1993. I find that the same would apply to Central Govt. employees and not ipso facto to the employees of the KVS. KVS is a registered society managed and controlled by the Govt. of India. However, for this reason, their employees cannot be equated to Central Govt. employees. The learned counsel tells me that the KVS Board of Governors have the powers to apply the aforesaid rules to the Teachers of the KVS, and in the normal course the Board of Governors manage and run KVS Schools through the Commissioner and, therefore, the Commissioner is supposed to exercise the authority to fix the aforesaid rates. The general position according to him is that the rates applicable to Central Govt. employees are normally applied to the KVS Schools unless an exception is made by the Board of

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Governors/Commissioner with appropriate approval. The aforesaid OM of 4.5.1993 would, therefore, find application in the case of KVS Teachers also unless rules different from those provided in the aforesaid OM have been prescribed by the competent authority. The aforesaid OM, I find, provides for the grant of HRA/CCA at Delhi rate in Ghaziabad Municipal area. Thus if the KVS School, in question (located at Dadri) had been located within the Ghaziabad Municipal area, the teachers would have been eligible for the grant of HRA/CCA at Delhi rates. The learned counsel asserts that this is not the case inasmuch as the School, in question, is not located within the Ghaziabad Municipal area. Instead, it is located within 8 KMs from the outer periphery of the Municipal limit of Ghaziabad District, as has been brought out by the District Collector Ghaziabad vide Certificate dated 29.10.94 placed at Annexure R-1 collectively. The same position has been confirmed by yet another certificate dated 14.10.1997 issued by the same authority. Thus, according to learned counsel, it is beyond doubt even in terms of the aforesaid OM of 14.5.1993, that the applicants are not entitled for payment of HRA/CCA at Delhi rates.

4. In addition to the aforesaid OM of 14.5.1993, the applicants have relied on another OM dated 3.10.1997. I have perused the same and find that it simply provides for the rates of payments of HRA/CCA keeping in view the basic pay and the category of the town. The provisions made herein cannot, therefore, assist the applicants in asking for the rates of HRA/CCA which would apply to Delhi.

5. Since the aforesaid OMs dated 14.5.1993 and 3.10.1997 cannot assist the applicants, I am left to decide on the legitimacy/propriety of orders passed by the respondents vide letters dated 4.5.1998 and 29.10.1998 placed at Annexures A-1 and A-2. I find nothing wrong in these orders. These simply reiterate the relevant instructions contained in the various OMs etc issued by the MOF and the KVS and correctly applied in this case. Based as these are on the orders/clarifications issued by the Ministry of Finance, the same cannot be faulted. The plea raised in MA No. 314/2000 has not been pressed by the learned counsel.

6. In the circumstances, the various pleas advanced by the applicants in this OA fail and are rejected. The OA is dismissed.

7. No costs.

(S.A.T. RIZVI)  
MEMBER (A)

(pkr)