

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA. 2669/2000
MA 3109/2000

New Delhi, this the 12th day of January, 2001

Hon'ble Shri Govindan S. Tamai, Member (A)

1. Rajinder Singh Bisht,
Lascar, NCC
Old Secretariat, Civil Lines
Delhi - 110054.
2. Des Raj Singh
Lascar, NCC
2, Delhi Arty Bty NCC
B-6, Safdarjung Enclave
New Delhi - 110029
3. Kanwar Pal Singh
Lascar NCC
K.V.No.1, Delhi Cantt
Delhi 110010
4. Jai Singh
Lascar, NCC
K.V. Andrews Ganj
New Delhi - 110024
5. Ramesh Chand,
Lascar, NCC
K.V.AFS Tughlakabad
New Delhi - 110062
6. Jagat Singh
Lascar, NCC
K.V. C.R.P.F.
Jharodhakalan
New Delhi - 110072
7. Pitambar Singh
Lascar, NCC
NCC Directorate
Old Sectt. Civil Lines
Delhi - 110054

...Applicants

(By Advocate Shri Anil Srivastava)

V E R S U S

1. Ministry of Defence
Directorate of General NCC
West Block 4, R.K.Puram
New Delhi.

2. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area,
S.J.S. Marg
New Delhi.

... Respondents.

(By Advocate Mrs. P.K.Gupta with Sh. S.Rajappa)

O R D E R (ORAL)

Shri Govindan S.Tampi, Member (A)

Heard Shri Anil Srivastava, counsel for the applicant, Smt. P.K.Gupta, counsel for respondent No.1 and Sh. S.Rajappa, counsel for respondent No.2.

2. By this application Sh. Rajinder S. Bisht and six other lascars attached to the NCC Jr. Division and working in various Kendriya Vidyalaya in New Delhi have requested for payment of their salary - pay and allowances, which has not been paid since August 2000. The applicants who are all appointed by the Ministry of Defence as seen from various appointment, orders issued by the Directorate General, NCC in the Ministry of Defence are performing their duties in the various Kendriya Vidyalayas. They are, however, under the disciplinary control of the D.G., NCC, Ministry of Defence and were to be treated as Civilian Central Govt. Group 'D' Employees. However, on account of certain disputes between the Ministry of Defence and the Ministry of HRD under which Kendriya Vidyalayas operate the salary and allowances of these lascars have not been paid since August 2000. This has cost them considerable difficulties since they have been performing their duties without receiving their pay and allowances. This injustice would have to be redressed, pleads Sh. Srivastava.

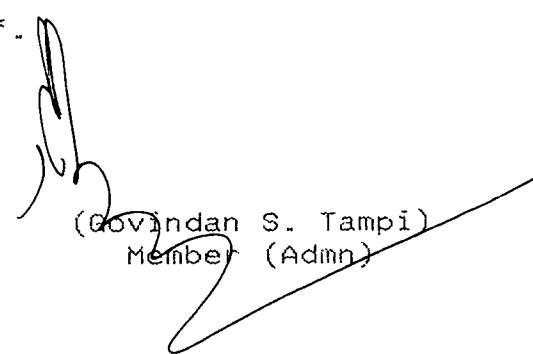
3. Reply on behalf of respondent No.1 i.e. Ministry of Defence, DG, N.C.C., Smt. P.K.Gupta, learned counsel argues that the pay and allowances of the lascars were being made out of the funds allocated by Ministry of HRD to NCC Headquarters. These funds have been channelised through Kendriya Vidyalaya Sangathan from the year 1999-2000 and the latter have declined to release the same after July, 2000. The matter is being taken up by the Ministry of Defence with the Ministry of HRD and Deptt. of Education and the decision is likely to take some time. So till such time Kendriya Vidyalaya should pay the pay and allowances to the Lascars to obviate their present problem, is the plea of the counsel for the respondent. She also referred to proceedings dated 31-10-2000 which NCC Directorate had addressed KVS indicating that the Lascars were employed by the KVS for NCC activities and if the latter so wished they may be deployed wherever they felt it necessary.

4. Sh. S.Rajappa, counsel for KVS, argues that they were making the payment to Lascars from their own funds, and have decided to stop it and make the Ministry of Defence, the appointing and controlling authority of the Lascars to effect the payment; which according to him was proper.

5. I have carefully considered the matter. On account of the internal dispute between the Ministries of Defence (Controlling NCC) and HRD (Supervising KVS) the junior employees like the applicants who are working in the NCC divisions in the KVS have been denied their pay and allowances. This

is highly deplorable. There is no reason why the applicants appointed by the Ministry of Defence and who are under the administrative and disciplinary control of the Ministry of Defence, in terms of their own orders of 27-12-1988 and as the decision in OA No. 738/99 by the Mumbai Bench of this Tribunal on 10-3-2000 cannot be paid by the appointing authority i.e., Ministry of Defence. It is imperative that the employer has to take steps to effect payments to their staff, irrespective of where they are operating from. Evidently, therefore, the letter No. 14032/ADG (A)/NCC HQ dated 31-10-2000 and 11721/HQ NCC/PRS (C) dated 21-11-2000 are misconceived and cannot be endorsed.

6.. In the above circumstances, I allow this application, quash the two orders dated 31-10-2000 and 21-11-2000 and direct the respondent No. 1 - Ministry of Defence to take steps to disburse the pay and allowances of the applicants, which are pending disbursal since August, 2000, within 15 days from the receipt of a copy of this order. They shall also undertake to finalise regular arrangements for the disbursement of the pay and allowances of the applicant in consultation with the Ministry of HRD. This, they have to do in fulfilment of their moral and legal responsibility as model employers. The OA and MA are accordingly disposed of.


(Govindan S. Tampi)
Member (Admn)

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