

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00567/2020

Tuesday this the 1st day of December 2020

CORAM:

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

C.Raveendran
S/o.Shri.M.Kannan
Formerly Principal, Kendriya Vidyalaya Sangathan
& Central Tibetan School Admn
R/o.A.R.Villa, Bhd.Kannapuram Police Station
Cherukunnu P.O, Kannur Dist. Pin 670 305
(M): 9448965751, 7022070703 ...Applicant

(By Advocate Mr.K.P.S.Suresh)

versus

1. The Secretary to Govt. of India
Ministry of Education (formerly Ministry of HRD)
Shastri Bhawan, C Wing, New Delhi – 110 001
2. The Joint Secretary/Chairman CTSA
School Education & Literacy (SE-II)
Ministry of HRD/Education, Shastri Bhawan
C Wing, New Delhi, Pin – 110 001
3. The Director
Central Tibetan Schools Administration, ESS ESS Plaza
Community Centre, Sector 3 , Rohini, Delhi 85
4. The Education Officer/Deputy Director
Central Tibetan Schools Administration

ESS ESS Plaza, Community Centre
Sector – 3, Rohini, Delhi – 110 085

5. The Commissioner, Kendriya Vidyalaya Sangathan
18, Institutional Area, Shaheed Jeet Singh Marg
New Delhi – 110 016 (India)
Telephone: 011 26858570Respondents

(By Advocate : Mr.C.Rajendran,SCGC)

This application having been heard through video conference on 1st December 2020, this Tribunal on the same day delivered the following :

O R D E R (O R A L)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The applicant is a former Principal Gr-I with Central Tibetan Schools Administration. Later on proposal to hand over the schools to Central Tibetan Administration, Dharamsala, the applicant was asked for option for permanent absorption on transfer basis. He was thus granted KVS, against his preference of CBSE.

2. The applicant joined CTSA as Principal Grade I on 31.5.2000 on direct recruitment through selection interview. Accordingly, he is entitled for his first MACP on completion of 10 years and second MACP on completion of 20 years regular service. The first MACP falls due on 31.5.2010, but the CTSA has granted the MACP w.e.f 1.10.2011 vide Annexure A3. This has resulted in an outright loss of 1

year, 4 months and 01 day and loss of two increments. Further, CTSA has failed to regularize his 20 days leave, applied and availed on medical grounds. This causes financial loss and engineered shortfall of 20 days for qualifying for 2nd MACP. Hence, he approached this Tribunal praying for the following reliefs:

- "1. The respondents 3 may kindly be directed to make necessary amendments in the MACP order in Annexure A3 and A4 by granting it effect from 31.5.2010 instead of 1.10.2011 as he has completed flawless 10 year service on 31.5.2010 based on his joining date, ie.31-5-2000 to the post of Principal along with consequent benefits.*
- 2. The respondent-3 may kindly be directed to regularize 20 days leave taken on medical ground against medical certificates as commuted leave or even as EL/HPL from his surplus leave in his credit.*
- 3. The respondent-5 may be directed to consider the eligible 2nd MACP for the applicant with effect from completion of 20 years of regular service from Pay Level 13 to Pay Level 14 ie with effect from 31.5.2020 along with consequent financial benefits.*
- 4. The amounts due and disbursed in the above cases may kindly be imposed 12% interest from the dates when it falls due.*
- 5. the respondent-3 may kindly be directed to disclose the APARs of the applicant for the period 2016-17 and 2017-2018.*
- 6. Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case. "*

- 3. When the matter came up for consideration, learned counsel for the applicant submits that the applicant has given two representations vide Annexure A-5 on

13.12.2019 and Annexure A5(a) on 17.09.2020. It appears that Annexures A-5 and A-5(a) representations given by the applicant are still unanswered. Learned counsel for the applicant submits that the applicant will be satisfied if a direction is given to the respondents to consider the representations and pass a reasoned and speaking order within a time frame.

4. Adv.Mr.C.Rajendran, SCGC takes notice on behalf of the respondents and submits that he has no objection for considering the same on merits.

5. In view of the limited submission, the Competent Authority is directed to consider and dispose of Annexures A-5 and A-5(a) representations of the applicant in the light of relevant rules and regulations on the subject and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

6. The O.A is disposed of as above at the admission stage itself. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 – Order of periodical increment in F.No.4-42/91-CTSA/P&E dated 11.5.2005

Annexure A1(a) - Order of periodical increment in F.No.4-42/91-CTSA/P&E dated 29.5.2006

Annexure A2 - True copy of order F.No.4-42/91 CTSA (P&E) dated 7.1.2013 on correction of increment anomaly in 2006

Annexure A3 - Order granting MACP in F.No.302/2011/CTS/P&E dated 8.12.2014

Annexure A3(a) - Typed copy of Annex.A3

Annexure A4 - Order of pay fixation after MACP in F.No.4-42/1991-CTSA P&E/2011/CTS/P&E dated 30.4.2015

Annexure A4(a) - Typed copy of Annex.A4

Annexure A5 - Representation dated 13.12.2019

Annexure A5(a) - Representation dated 17.9.2020.

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