

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00568/2020

Tuesday this the 1st day of December 2020

C O R A M :

**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, Karaikudi
& 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 MHRD/ Ministry of Education
Shastri Bhawan, C Wing, New Delhi – 110 001
2. The Commissioner, Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg, New Delhi – 110 016
3. The Deputy Commissioner
Kendriya Vidyalaya Sangathan Regional Office
IIT Campus, Chennai – 600 036
4. The Joint Secretary/Chairman CTSA
School Education & Literacy. S.E.II
Ministry of Education, Shastri Bhawan

C Wing, New Delhi, Pin – 110 001

5. The Director
 Central Tibetan Schools Administration, ESS ESS Plaza
 Community Centre, Sector 3 , Rohini, Delhi 85

6. The Principal
 Kendriya Vidyalaya, CECRI Campus
 Karaikudi, Tamil Nadu – 630 006

....Respondents

(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 KV Karaikudi on 18.6.2018. As per the rules, the pay scale and pay matrix of the applicant is to be protected and leave and other benefits carried forward to the services under KVS. However, the same was not done. Though he continued to draw the last pay of CTSA till his retirement on 31.5.2020, no annual

increments were paid to him. KVS revisited the pay fixation wef 1.7.2011 to 2018 and beyond upto 1.7.2019 (Annexure A-9). While doing so, the KVS has substantially reduced the pay of the applicant by ignoring the MACP granted to him. Further, the joining time/regular pay of the applicant from 24.5.2018 to 30.6.2018 is yet to be released by KVS. Similarly the Transfer T.A claim of the applicant is also unpaid till date. Hence, he approached this Tribunal praying for the following reliefs:

"1. The impugned KVS order dated 10.6.2020 in Annexure A9 may kindly be set aside.

2. The two periodical increments that fell due on 1.7.2018 and 1.7.2019 may be granted as the same was not granted earlier on the actual/protected pay basis.

3. The respondent-2 may kindly be directed to fix the applicant's pension and other retirement benefits on the basis of his actual pay and allowances drawn by him as on the day of retirement, ie. 31.5.2020 after adding due increments etc.

4. It may kindly be ordered that the pay scaleand allowances of the applicant drawn by him in CTSA may kindly be protected in the borrowing department, ie, KVS, as per the option exercised as per the condition that "service terms and conditions will remain the same" and the MACP released to him by CTSA is not an allowance but the part and parcel of the pay as Hon'ble Supreme Court has observed.

4. Respondent 2 may kindly be ordered to release the joining time salary & pay from 24.5.2018 to 30.6.2018, which could been drawn and paid earlier, the TTA bill submitted in July 2018 and retirement TA bill submitted on 1.8.2020 and other due arrears due to the applicant may be released.

5. the respondent -2 may kindly be ordered to release the pension, and Gratuity of the applicant without any further delay.

6. *the amounts due and disbursed in the above case may be imposed 12% interest from the dates when it falls due.*

7. *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 wants to submit a fresh comprehensive representation and he will be satisfied if a direction is given to the respondents to consider and dispose of the same with 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 made, the Original Application is disposed of with the following direction:

Applicant will submit a detailed comprehensive representation within a period of two weeks from the date of receipt of a copy of this order and the Competent Authority will consider the representation and dispose of the same 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 the representation of the applicant.

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 – True copy of the option exercised by the applicant dated 6.3.2013

Annexure A2 – True copy of letter No.4-3/2002-UT.2/Sch 3 dated 7.2.2013

Annexure A3 – True copy of F.No.11056/1-1/2018 (CTSA) KVS (Estt I)/2360-2367 dated 20-4-2018 regarding posting at KVS – Karaikudi

Annexure A4 – True copy of representation dated 27.1.2020

Annexure A4(a) – True copy of representation dated 28.1.2020

Annexure A4(b) – True copy of representation dated 30.3.2020

Annexure A5 – True copy of LPC vide No.f.no.22-12/2012/CTSA(A/c.) dated 29.5.2018

Annexure A6 – True copy of letter no.f.17044/Misc./2019/KVS(CHER)/5528 dated 13.9.2019 – Reminder for service book

Annexure A7 – True copy of Relieving Order on retirement F.No.1-15/KVK/2020-21/500 dated 31.5.2020

Annexure A8 – True copy of pay fixation order F.No.4-42/91-CTSA (P&E) dated 7.1.2013

Annexure A9 – Order of Kendriya Vidyalaya Sangathan HQ vide No.11044/17-6-63/2018/PPL/KVS/Estt-1/1793-1796 dated 10.6.2020

Annexure A10 – True copy of CTSA letter in F.No.22-12/2012-CTSA(P&E) dated 26.4.2017.

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