

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.196 OF 2004

ALLAHABAD THIS THE 13TH DAY OF JANUARY,2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER-A

K.P. Dubey, S/o Shri M.B. Dubey,
aged about 48 years, TGT(Maths),
in K.V.S., presently dismissed from service while
posted at the Kendriya Vidyalaya, No.2, N.H.P.C.,
Banbasa(Uttranchal) and residing at Qr. No, E/2/21,
N.H.P.C. Colony, Banbasa, P.O.: Chandani,
District-Champawat, Uttranchal State.

..... . Applicant

(By Advocate Shri Ashok Pandey)

Versus

1. Kendriya Vidyalaya Sangathan(Thro' the Commissioner),
Kendriya Vidyalaya Sangathan(Head Quarter),
18, Institutional Area, Saheed Jeet Singh Marg.
New Delhi-110016.
2. The Asstt. Commissioner,
Kendriya Vidyalaya Sangathan(Regional Office),
Hathibarkala, Salawala,
Dehradun(Uttranchal)-248001.
3. The Principal (through Shri G.S. Mehta),
Kendriya Vidyalaya No.2,
N.H.P.C. Campus, P.O. Chandani,
Distt.: Champawat (Uttranchal)-262310.

..... . Respondents

(By Advocate Shri N.P. Singh)

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HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

Heard Shri A. Pandey, learned counsel for the applicant and Sri N.P. Singh, learned counsel for the respondents and perused the pleadings.

2. The applicant was appointed as TGT (Maths) and joined at Kendriya Vidyalaya Air Force Station, Jorhat (Assam on 31.08.1984. On 13.10.1986, he joined at Loktak on transfer from Jorhat and again on 11.07.1988 he joined at Churachandpur (Manipur) on transfer. It appears, that his services came to be terminated vide order dated 22.11.1990, but the said order came to be quashed by Hon'ble Delhi High Court in Writ Petition no. 1595 of 1991 vide order dated 13.03.1997. Consequent upon the order passed by Hon'ble Delhi High Court the applicant was reinstated and posted at Kendriya Vidyalaya Imphal (Manipur) on 04.04.1997.

3. The applicant, it appears, preferred representation dated 19.08.1997 in respect of his claim for back wages in as much as the writ petition was allowed by the Hon'ble Delhi High Court with all consequential benefits. The respondents paid a sum of Rs.3,11,674/-, which amount came to be credited in the account of the applicant on 29.09.1997. The applicant preferred representations/appeals dated 24.7.1998 and 25.9.1998 for redressal of his grievances, which remained unredressed despite the order passed by the Hon'ble Delhi High Court. On 16.6.1998 the applicant approached the Joint Commissioner (Admn) Delhi for permission to join at Delhi. The permission

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sought for was refused by order dated 22.6.1998 and by order dated 20.07.1998 he was asked to join at Kendriya Vidyalaya, Jayant in MP. The applicant, it is alleged, submitted his Transfer TA bill dated 08.09.1998 claiming a sum of Rs.32014/- in respect of his transfer from Imphal to Jayant. Last pay Certificate, according to the applicant, was issued on 03.09.1998 by Principal, Kendriya Vidyalaya, Imphal, showing his basic pay at Rs.5500/-.

4. The case of the respondents is that the applicant was transferred from Imphal to Jayant on his own request and, therefore, he was not entitled for any Transfer TA in respect of his transfer from Imphal to Jayant. It is also submitted by the learned counsel for the respondents that the applicant did not submit any TA bill in respect of his transfer from Imphal to Jayant according to rule within stipulated period. Subsequently, the applicant came to be transferred to Kendriya Vidyalaya Ca-Nikobar vide order dated 18.1.1999. The validity of the said transfer order was challenged in O.A. 454 of 1999 before the Principal Bench of Central Administrative Tribunal, New Delhi. The Principal Bench, allowed the OA and directed the respondents to post the applicant in Western UP. However, the applicant was ordered to be posted at Joshimath. The legality of the said order was challenged by the Department before Hon'ble Delhi High Court in Writ Petition no.4831 of 1999, but the writ petition came to be withdrawn and the applicant was ordered to join either Kendriya Vidyalaya,

(P&J)

Joshimath or Kendriya Vidyalaya, Banbasa.

5. The applicant in this case has prayed for the following reliefs:-

"a) direct the respondent no.3 to refund Rs.65,000/- (Sixty Five Thousand as mentioned in letter dated 7.2.2002 Annexure-1) to the applicant with proper interest as fixed by this Tribunal and to adjust Rs.65,000/- of K.V. Jayant Colliery in the unpaid claims of the applicant, lying in K.V. Jayant Colliery by considering the representation dated 25.7.2000 of the applicant (i.e. page 29 of the Annexure-8 of this O.A.).

b) direct the respondent no.3 to settle the T.A. bills of the applicant for joining K.V., NHPC Banbasa in the consideration with the representation dated 10.02.2000 of the applicant and to pay the amount admissible to the applicant with proper interest for delaid payment.

c) direct the respondent no.3 to provide certified copies of the settled T.A. bills, as referred above to the applicant for the perusal and further necessary actions, if required.

d) direct the respondent no.3 to pay suitable cost and compensation by the applicant who has been dragged before this Tribunal unnecessarily for the petty matter which was to be decided by himself, being drawing & disbursing Officer of the applicant."

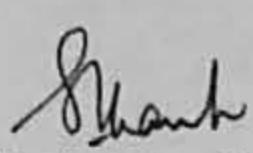
6. Having regard to the nature of the relief claimed
considered
herein, we are of the view that the decision on the
representations dated 25.07.2000 and 10.02.2000 by a
reasoned order would take care of the relief claimed in
this O.A..

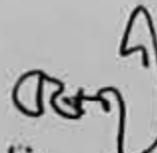
7. Accordingly, the O.A. is finally disposed of
with direction to the third respondent to consider the

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applicant's representations dated 25.07.2000 and 10.02.2000

and dispose ~~there~~ of by means of a reasoned order to be passed within a period of four months from the date of certified copy of this order alongwith the copies of the representations referred to above in the order. No order as to costs.


Member- A


Vice-Chairman

/ns/