



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 960/2020

This the 12th Day of July, 2021

(Through Video Conferencing)

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Dilip Kumar Singh aged about 52 years
 Son of Late Dina Nath Singh
 Resident of Shanti Niketan, Phase – I, Quarter No. G/C,
 Professor Colony, Hirapur, Dhanbad (Jharkhand)
 Working as Assistant Section Officer,
 Kendriya Vidyalaya No. 1, Dhanbad, “Group ‘B’
 ... Applicant
 (By Advocate : Shri Dinesh Kumar Tandon)

Versus

1. The Commissioner,
 Kendriya Vidyalaya Sangathan,
 18-Institutional Area,
 Shaheed Jeet Singh Marg, New Delhi – 110016.
2. The Joint Commissioner (Admn.),
 Kendriya Vidyalaya Sangathan,
 18-Institutional Area,
 Shaheed Jeet Singh Marg, New Delhi – 110016.
3. The Deputy Commissioner and
 Adhoc Disciplinary Authority,
 Kendriya Vidyalaya Sangathan,
 Regional Office, Lohia Nagar,
 Kankarbag, Patna – 800020
4. The Assistant Commissioner and
 Officiating Deputy Commissioner,
 Kendriya Vidyalaya Sangathan,
 Regional Office, KV, Namkum Campus,
 Namkum, Ranchi (Jharkhand) – 834010.

... Respondents

(By Advocate : Shri S. Rajappa)



O R D E R (ORAL)

Justice L. Narasimha Reddy, Chairman :

The applicant is working as Assistant Section Officer in the Kendriya Vidyalaya Sangathan (KVS) – the first respondent herein. For the year 2009-2011, he was extended the benefit of Children Education Advance (CEA) amounting to Rs. 78,130/-. At a later stage, it was noticed that the institution in which the children of the applicant studied during that period was not recognized, and thereby, the applicant was not eligible to be paid that amount. The respondents proposed disciplinary action against the applicant vide order dated 20.03.2020. In addition to that, they directed recovery of amount together with the penal interest aggregating to Rs. 2,07,981/-. The applicant made representations in this behalf and that was rejected on 17.06.2020. This OA is filed challenging the orders dated 20.03.2020, 01.04.2020, 20.05.2020 and 17.06.2020.

2. The applicant contends that he did not make any misrepresentation while seeking the benefit and there was absolutely no basis for initiation of disciplinary proceedings, recovery of amount of Rs. 78,130/- and for levying the penal interest.



3. The OA was heard on several occasions, earlier. At one stage, we have also passed interim order directing the stay of recovery of amount. Today, learned counsel for the respondents submits that the concerned authority has passed an order dated 18.03.2021 directing that no penal interest shall be levied upon the amount which is to be recovered from the applicant.

4. We heard Sh. Dinesh Kumar Tandon, learned counsel for the applicant and Sh. S. Rajappa, learned counsel for the respondents.

5. There are three aspects in this OA. The first is about the disciplinary proceedings, second is about the recovery of amount of Rs. 78,130/- and third is about levying of the penal interest. All three are based upon the payment of Rs. 78,130/- to the applicant towards the CEA.

6. The payment took place more than a decade ago. The respondents remained silent all these years and once they noticed that the amount ought not to have been released to the applicant, they started levying interest and initiation of

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disciplinary proceedings against the applicant, apart from recovery of the amount.

7. After hearing the learned counsel for the parties, we find that the applicant is otherwise prepared to refund the amount of Rs. 78,130/-. If that is so, the very basis for the disciplinary proceedings or for levy of interest ceases. It is not as if the applicant has misappropriated any Government fund or took the amount on his own accord. It was paid to him after verification by the concerned authorities. Therefore, the initiation of disciplinary proceedings is unwarranted once the applicant agrees to refund the amount. Coming to the question of interest, this is not a case in which the applicant has played any fraud. The mere fact that the institution in which the children of the applicant studied was not recognized cannot lead to serious consequences, particularly, when the amount was sanctioned by the competent authority.

8. We, therefore, allow the OA setting aside the order dated 20.03.2020 through which the disciplinary proceedings were initiated and the one dated 20.05.2020 through which the penal interest was levied. We however direct that the applicant shall be under obligation to refund the amount of

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Rs.78,130, without any interest, in installments not exceeding

Rs. 10,000/- per month.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/rk/ns/sunita/akshaya/