

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1495 OF 2003
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, T.G.T (Maths),
Kendriya Vidyalaya No.2, NHPC, Banbasa,
Presently dismissed from service and residing in
Quarter No.E/2/21, NHPC Colony, Banbasa, P.O.-Chandausi,
District-Champawat, (Uttranchal state).

..... .Applicant

(By Advocate Shri Ashok Pandey)

Versus

1. Kendriya Vidyalaya Sangathan,
through the Commissioner,
18, Institutional Area, Sheesh Jeet Singh Marg,
New Delhi-110016.
2. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan, (Regional Office),
G.C.F. Estate, Jabalpur (M.P.).
3. The Principal,
Kendriya Vidyalaya (C.W.S.),
Jayant Colony, District-Sidhi (M.P.)
4. The Principal,
Kendriya Vidyalaya No.2, N.H.P.C.,
Banbasa, P.O.-Chandausi,
District-Champawat (Uttranchal).

..... .Respondents

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(By Advocate Sri 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 the Writ petition was allowed by the Hon'ble Delhi High Court will 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 representation/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 16.06.1998 the applicant approached the Joint Commissioner (Admn) Delhi for permission to join at Delhi. The permission sought for

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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 Car-Nikobar vide order dated 18.1.1999. The validity of the said transfer order was challenged in O.A. No.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, Joshimath or

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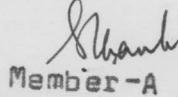
Kendriya Vidyalaya, Bambasa.

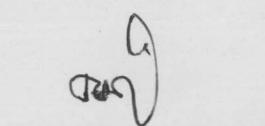
5. Paragraph 4.13 of the O.A. in which the claims of the applicant are listed is reads as under:-

- a) TA/DA amounting Rs.32,014/-
- b) Pay/salary for 7 days (from 10.8.1998 to 16.08.1998) i.e. for the period for joining K.V. (CWS), Jayant Colliery from K.V. No.1, Imphal (Manipur)Rs.2011/- only.
- c) Earned Leave of 8 days in excess of the period of 7 days of the time taken/consumed out of 15 days joining Time for the said transfer.
- d) Entry of the verification of service in the Service Book of the applicant for the aforesaid period from 10.08.1998 to 16.8.1998."

6. Having heard counsel for the parties and upon regard being had to the order passed in O.A. nos.756/03 and O.A. No.196/04, we are of the considered view that it would meet the ends of justice if this O.A. is disposed of with direction that, in case, the applicant files a comprehensive representation in respect of redressal of his grievances, the competent authority namely respondent no.2 shall look into the grievance of the applicant and take appropriate decision on the representation in accordance with law by means of a reasoned and speaking order to be passed within a period of four months from the date of receipt of a representation alongwith a copy of this order.

7. The O.A. is accordingly disposed of finally in view of the above direction with no order as to costs.


Member-A


Vice-Chairman

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