

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 13th day of JANUARY 2005.

Original Application no. 576 of 2003 (U).

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman
Hon'ble Mr. S.C. Chaube, Administrative Member.

K.P. Dubey, S/o Sri M.B. Dubey,
TGT (Maths) Kendriya Vidyalaya No. 2,
NHPC Campus, Banbasa, P.O. Chandani
Distt : Champawat (Uttanchal).

... Applicant

By Adv : Sri A. Pandey

V E R S U S

1. Kendriya Vidyalaya Sangathan (Through the Commissioner),
18, Institutional Area, Sahid Jeet Singh Marg,
New Delhi.
2. The Joint Commissioner (Admn),
Kendriya Vidyalaya Sangathan (H. Qrs),
18, Institutional Area, Sahid Jeet Singh Marg,
New Delhi.
3. The Asstt. Commissioner,
Kendriya Vidyalaya Sangathan, Regional Office,
Hathibarkala, Salawala,
Dehradun (Uttanchal).
4. The Principal, Kendriya Vidyalaya No. 2, NHPC Campus,
Banbasa, P.O. Chandani, Distt. Champawat.
5. The Principal, Kendriya Vidyalaya, CWS Jayant Colliory,
Jayant, Distt. Sidhi (MP).

... Respondents

By Adv : Sri N.P. Singh



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O R D E R

By Justice S.R. Singh, VC.

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} ~~same~~ order came to be quashed by ^{Hon'ble} ~~the~~ 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 with all consequential benefits. The respondents paid a sum of Rs. 311,674/-, 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 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/-

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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} ~~does~~ 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 OA 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 ~~same~~ writ Petition came to be withdrawn and the applicant was ordered to join either Kendriya Vidyalaya, Joshimath or Kendriya Vidyalaya, Banbasa. However, the present OA seeks issuance of the direction to the respondent no. 4 to pay the difference in salary from 1984 till date as per annexure A31. ^{In fact,} According to the applicant, his pay had not been correctly fixed and, therefore, on correct fixation of pay he should be entitled to the amount as shown in annexure A31. The applicant has also prayed for issuance of direction to respondent no. 4 to prepare service book/record of the applicant.

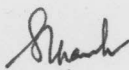
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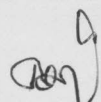
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Sri N.P. Singh, learned counsel for the respondents states ^{at} ~~bar~~ that so far the relief regarding preparation of service book is concern^{-ed} the same does not survive in view of the fact that the service book of the applicant ^{has been} ~~is~~ prepared. If that be so the only grievance that now remains is in respect of his claim for difference of the amount as shown in Ann A31. The matter, in our opinion, needs consideration and adjudication at the level of the Competent Authority. Therefore, we are of the ^{considered} ~~view~~ that the ends of justice shall be met if this OA is disposed of with the direction to the respondent no. 4 to look into the grievances of the applicant and take appropriate decision in respect of his claim as shown in annexure A31 by means of reasoned and speaking order within a period of four months from the date of receipt of certified copy of this order alongwith his representation accompanied with the copy of annexure A31.

5. The OA is accordingly disposed of finally in view of the above order with no order as to costs.


Member A


Vice-Chairman

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