

ORDER DATED 04-09-2001.

Heard Shri D.N. Mohanty, learned Counsel for the Applicant and Shri Ashok Mohanty, learned Senior Standing Counsel for the Respondents and have also perused the records.

In this Original Application, the Applicant has prayed for a direction to the Respondents 3 and 4 to release her arrear salary and other financial emoluments amounting to Rs.65,800/- as per details below indicated in para 4.3 of the Original Application.

- i) Unpaid duty pay salary from 11-4-99 to 12.8.99. Rs. 30,000/-
- ii) Unpaid duty pay salary from 13. 12.99 to 31. 03.1999. Rs. 30,000/-
- iii) Arrear of DA from January, 1999 to March, 1999. Rs. 500/-
- iv) Bonus for the year 1998-99 and 1999-2000 @2500/-PA for two years. Rs. 5,000/-
- v) Arrear increment from 1-12-1999 to 29.2.2000. Rs. 300/-

TOTAL: Rs.65,800/-

Respondents have filed counter and the applicant has also filed rejoinder.

For the present purpose it is not necessary to go into all the averments made by the parties in their pleadings. The case of the applicant is that she joined as a Primary Teacher in Kendriya vidyalaya Sangathan-II Bokaro Steel city

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Respdts. no. 3 has filed
Counter on behalf of
all the respdts. but
Copy of Counter not
served.

Registrar

Mr
20/7/2001

23.7.2001.
2d Counsel for the applicant
Submits that he is not in
receipt of Counter copy
filed by R 3. R 3 is
directed to serve the
Copy of the Counter to
on the applicant on his
Counsel by 13.8.2001.

23/7/2001
REGISTRAR

Counter filed copy
served for further
orders.

Registrar

Mr
10/8/2001

J. J. M.

28.8.1981 and was transferred and joined at
KVS, Bhuli Township at phanbad on 10.4.1999. Her
grievance is that during her service at
KVS, Bhuli Township at phanbad from 11.4.1999 to
12.8.99 and again from 13.12.1999 to 31.3.2000
her salary amount to Rs.60,000/- at the rate of
Rs.7,500 /- per month was not paid to her
together with Bonus for 1998-99 and 1999-2000.
She was also not paid arrears of revised DA which
was sanctioned from time to time. It appears from
the pleadings that KVS, BCCL, Bhuli Township
was closed down and the applicant was transferred
from KVS, Bhuli to Anugul where she joined on
1.4.2000. In the context of the above facts,
she has come up in this Original Application
with the prayers referred to earlier.

Respondents in their counter have admitted
that the applicant worked at KVS, Bhuli Township
at phanbad and has stated that her entitlement
to get the salary and other dues have to be
worked out on the basis of the records. It is
submitted that for KVS, at Bhuli Township, BCCL was
sponsoring agency and that the salary and
allowances of the applicant have to be borne
by the BCCL. Respondents have stated that they
~~should~~ ^{would} make payment as per the records immediately
after the amount is received from the sponsored
Agency BCCL or the concerned Ministry. We have
considered the above submissions carefully.
Applicant has worked as Primary Teacher and
KVS can not indefinitely ^{disown their liability to} not to pay her salary
and allowances on the ground that **sponsoring**
agency has not checked up and credited the amount

NOTES OF THE REGISTRY

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13.8.2001

Counter is already filed and served on the applicant's counsel who prays for time to file rejoinder. Heard. Time granted to file rejoinder by 29.8.2001.

[Signature]
13/8/2001

Rejoinder filed. Copy served. For further orders.

[Signature]
Registrar

By
28/8/01

For admission and hearing.

[Signature]
Bench

By
3/9/01

Free copy of the order dt. 11.9.01 given to the both counsel.

[Signature]
10/9

[Signature]
S.O

in favour of the KVS to be paid to the applicant. As an employee of KVS, the Respondents 2, 3 and 4 have the liability to make payment to her. In view of this we direct that Respondents 2, 3 and 4 should ^{check up -} have the entitlement of the applicant for salary, allowances and bonus with reference to the records for the period mentioned by the applicant and thereafter they should pay the amount to the applicant. This exercise should be completed within a period of 120 days from the date of receipt of a copy of this order. We also make it clear that KVS will be entitled to realise the amount from the BCCL or the concerned Ministry after the payment has been made.

With the above observations and directions the O.A. is allowed. No costs.

[Signature]
(G. NARASIMHAM)
MEMBER (JUDICIAL)

[Signature]
(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.