

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

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.

JFM.

4
NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Respsntr. No. 3 has filed Counter on behalf of all the respsntrs. but copy of counter not served.

Registrar

MM
20/7/2001

23.7.2001.
2d Counsel for the applicant submits that he is not in receipt of counter copy except of counter copy filed by R 3. R 3 is directed to serve the copy of the Counter to the applicant on his Counsel by 13-8-2001.

23/7/2001
REGISTRAR

Counter filed copy served for further orders.

Registrar

MM
10/8/2001

28.8.1981 and was transferred and joined at KVS, Bhuli Township at Dhanbad on 10.4.1999. Her grievance is that during her service at KVS, Bhuli Township at Dhanbad 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 Dhanbad 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~~ ^{will} 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 ~~disown her liability to~~ KVS can not indefinitely not pay her salary and allowances on the ground that ~~sponsoring~~ agency has not checked up and credited the amount

01/72/2001

5
NOTES OF THE REGISTRY

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.

13/8/2001

Rejoinder filed. Copy served. For further orders.

Registers

108
28/8/01
for admission and hearing.

Bench

By
3/9/01

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

Fath
10/9

Phos
S.O

ORDERS OF THE TRIBUNAL

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 ~~have~~ ^{check up.} 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.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
4.9.01

KNM/CM.