

ORDER DATED 4-9-2001.

Heard Shri D.N.Mohanty, learned counsel for the Applicant and Shri Ashok Mohanty, learned senior 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 the arrear salary Bonus and Medical Claim amounting to Rs. 41,430/- within a specified period. Details of Rs. 37,421/- out of the above amount amount has been mentioned by the applicant as below in para 4.6. of the Original Application:

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|----|---|--------------|
| a) | Salary (for Dec' 99 to March' 2000) @ 364/- P.M. for four months. | Rs. 33,456/- |
| b) | Bonus (for 99-2000) | Rs. 2,467/- |
| c) | Medical Claim (for 99-2000) | Rs. 1,498/- |

TOTAL: Rs. 37,421/-

Besides he has mentioned in para 4.8 of the O.A. that another amount of Rs. 4,409/- is to be paid to the applicant by the authorities of KVS-II Bokaro Steel City and both the amount together will come to Rs. 41,430/-. It is submitted by learned counsel for the applicant that the word 'INCLUDING' mentioned in para 4.8 of the OA is a typographical error for the word 'EXCLUDING' and this is considered accordingly. The case of the applicant is that he joined as Primary Teacher on 9.10.1987 in KVS -II at Bokaro steel City and was confirmed in that post. He was subsequently transferred to KVS Bhuli Township at Phanoad after the KVS-II Bokaro Steel City was closed down. Applicant has stated that he has not been paid arrear DA amounting to Rs. 1590/- and Bonus for 1998-99 amounting to Rs. 2490/- at Bokaro Steel City. After closing down of the KVSII in Bokaro Steel City he joined at KVS, Bhuli Township at Phanoad where he was not paid salary from December, 99

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to March, 2000, Bonus for 1999-2000 and Medical Claim for Rs. 1498/- amounting to Rs. 37,421/-. Applicant has stated that KVS Bhuli Township was also closed down and the applicant was transferred to KVS, Anugul where he joined on 6.4.2000 but his arrears relating to KVS Bokaro Steel City and KVS Bhuli Township at Phanoad had not been paid as per the details indicated above and in the context of the above facts, he has come up in this O.A. with the prayers referred to earlier.

Respondents in their counter have stated that the actual dues payable to the applicant will be calculated on the basis of the records and entitlement of the applicant. They have also stated that they are continuously in touch with the sponsoring agency i.e. BCCL and the concerned Ministry for payment of the amount and the amount will be released in favour of the applicant as soon as the same is received from the concerned Authority. They have also stated that BCCL had approached the KVS for opening of a KVS at Bhuli and had agreed to meet the recurring and nonrecurring expenditures but after 1992 the BCCL did not honour the agreement and because of this payments have not been made. We have considered the averments of both sides carefully. Applicant is a Primary Teacher in KVS and therefore, Respondents 2, 3 and 4 can not ^{disown} ~~dis-suade~~ their liability and obligation to pay ~~the~~ applicant his dues as per his entitlement on the ground that the same had not been calculated ~~and~~ paid by the sponsoring Agency. In view of this, we direct the Respondents 2, 3 and 4 to work out the entitlement of the applicant with regard to the claims made by the applicant with reference to the records ^{and as per rules.} and make payment to the applicant within a period of 120 days from the date of receipt of a copy

J. Sam.

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Free copy of
the order
dt. 9.9.01 given
to the both
counsel.

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of this order. We also make it clear that the Respondents 2,3 and 4 will be entitled to recover the amount from the BCCL or the concerned Ministry in accordance with the term of agreement between them but delay in recovering the amount from the BCCL or the concerned Ministry can not be a ground for denying/ delaying the payment to the applicant.

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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
11/7/2001

KNM/CM.