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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 517 of 2004  
Cuttack, this the 5th day of May 2005

Shri Binayak Mishra

.... Applicant

- VERSUS -

Union of India & others

.... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? NO

105-105-105-  
(M.R. MOHANTY)  
MEMBER (JUDICIAL)

John  
( P.N. SOR )  
VICE-CHAIRMAN

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.517 of 2004  
Cuttack, this the 5<sup>th</sup> day of May 2005

CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

AND

HON'BLE SHRI M.R.MOHANTY, MEMBER (JUDICIAL)

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Binayak Mishra, aged about 48 years, Son of Late Chandra Sekhar Mishra, permanent resident of Village/P.O./P.S. Odagaon, Dist. Nayagarh, Orissa presently working as PGT (English), Kendriya Vidyalaya, Singarsi 507, SUAF, C/o 99 A.P.O.

..... Applicant

Advocates for the applicant ..... Mr.J.N.Jethi

Versus-

1. Union of India through Commissioner, Kendriya Vidyalaya Sangathan (Hqrs) 18, Institutional Area, Sahid Jeet Singh Marg, New Delhi-110 016.
2. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Pragati Vihar Colony, Mancheswar, Bhubaneswar-751017.
3. Principal, Kendriya Vidyalaya, Cuttack, CB-4, Cantonment Road, At/P.O./Dist-Cuttack-753 001.
4. Principal, Kendriya Vidyalaya, Singarsi, 507, SUAF, C/o 99 A.P.O.

..... Respondents

Advocates for the Respondents ..... M/s. Ashok Mohanty,  
S.P.Nayak &  
M.K.Reut

.....

O R D E R

SHRI B.N.SOM, VICE-CHAIRMAN:

This O.A. has been filed by Shri Binayak Mishra presently working as PGT(English) at Kendriya Vidyalaya Singarsi praying for a direction to be issued to the Res. No. 1 and 2 to consider and dispose of the representations made by him in Annexures 5 and 6.

2. The grievance ventilated by the applicant in his representation dtd. 29.9.03 (Annexure-5) concerns restoration of date of increment and stepping up his pay with reference to the pay fixed in respect of his juniors on implementation of the recommendations of the 5th pay commission. His representation dtd. 5.3.04 (Annexure-6) has also been made on the same ground.

3. As the prayer of the applicant in this O.A. is only to issue a direction to the Respondents to dispose of his representations referred to earlier with a reasoned order, the matter could have been disposed of at the admission stage itself. However, no such prayer was made at the admission stage. On receipt of the notice in the matter, the Respondents have filed a detailed counter wherein they have replied to all the issues raised by the applicant in his representations referred to earlier.

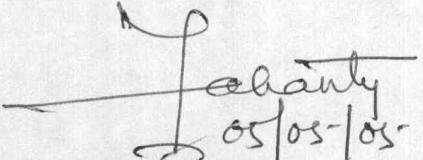
4. Neither the applicant nor his Ld.Counsel was present for hearing either on 15.4.05 or on 21.4.05 when the matter was listed for final disposal. However the Ld.Sr.Counsel for the Respondents was present and heard. We have also

perused the records placed before us.

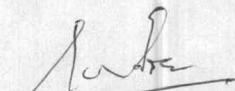
5. From the facts of the case it would appear that on receipt of the reply in counter by Respondents, the applicant has no more grievance to ventilate as he had not filed any rejoinder either. As the applicant seems to have been satisfied with the reply in counter, the O.A. may be disposed of at this stage. While disposing of this O.A., we would, however, like to observe that one of the grievances of the applicant as ventilated in his representation as also in the O.A. is that his date of increment being 1st August of the year that date could not have been changed by the Respondents for any reason whatsoever. We find lot of merit in the said submission of the applicant that the order issued by Res. No. 2 dtd. 22.8.93 (Annexure 4) regarding fixation of pay of the applicant on implementation of the revised pay-scale on the recommendation of the 5th Central Pay Commission, that after expiry of penalty period, the applicant was entitled to get Rs. 7,300/- with DNI ~~W.E.F~~ with effect from 1st September of each year is not correct. This order is evidently incorrect and the error is detectable from the reading of the order itself. Under the caption "Revised pay as on 1.1.96" in para 1 of that letter, it has been mentioned that increment in the pay-scale of Rs. 6,500-10,500/- is available with effect from 1st August of each year, whereas in the para 2 of the letter it is stated that from 1.9.1997 he is entitled to get ~~Rs. 7,300/-~~ Rs. 7,300/- with DNI ~~W.E.D~~ 1st September of each year.

5. Thus to put the controversy to rest, we hereby set aside the order dtd.22.8.03 to the extent it is mentioned in the second para that "After the expiry of penalty period i.e. from 1.9.1997, Shri B.Mishra, TGT is entitled to get Rs.7,300/- with DNI WEF 1st September of each year, if otherwise admissible" and order that after expiry of penalty period, that is, from 1.9.97, the applicant is entitled to get pay at the stage of Rs.7,300/- with date of increment being 1st August of each year, if otherwise admissible.

6. The O.A. accordingly succeeds to the extent ordered above. No costs.

  
05/05/05  
(M.R. MOHANTY)

MEMBER (JUDICIAL)

  
✓ B.N. SOM  
VICE-CHAIRMAN

SAN/