

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 246 OF 2013

Monday, this the 25th day of March, 2013

CORAM:

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

P.C.Sivasankaran Nair
Retired as Post Graduate Teacher (English)
Kendriya Vidyalaya, Calicut
Residing at 26/145, Shobhendu, Thondayad
Kozhikode ... Applicant

(By Advocate Mr.V.V.Surendran)

versus

1. The State of Kerala represented by Secretary
Department of Finance, Secretariat
Thiruvananthapuram
2. The Director of Public Instructions
Thiruvananthapuram
3. The Assistant Commissioner
Kendriya Vidyalaya Sangathan
Regional Office, IIT Campus
Chennai – 600 036
4. The Deputy Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi – 110 602 ... Respondents

(By Advocate M/s Iyer & Iyer)

The application having been heard on 25.03.2013, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant has filed this OA praying for the following reliefs:

- (i) *Issue an order directing the 1st respondent to pay the benefits eligible to the applicant for the services rendered by him in AMLP School, Kuttikattoot, Kozhikode a aided school governed by the Kerala Education Act and Rules.*

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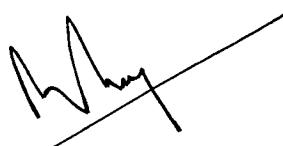
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(ii) Issue an order setting aside Annexure A-11 communication issued by the 1st respondent and hold that the 1st respondent is liable to pro rata pensionary contributions of the applicant to respondents 3 and 4.

(iii) Issue such orders as this Hon'ble Tribunal may deem just, fit and proper in the facts and circumstances of the case as to award a cost of applicant in these proceedings."

2. The 1st respondent, is the State represented by the Secretary and the 2nd respondent is Director of Public Instructions, Thiruvananthapuram. It is the case of the applicant that he has retired as a Post Graduate Teacher (English) from Kendriya Vidyalaya after putting 29 years of service. Prior to the joining of Kendriya Vidyalaya the applicant had been working as a Teacher in the Aided Mappila Lower Primary School, Kozhikode for 9 years and one month. The school is governed under the provisions contained in the Kerala Education Act and Rules. . The question as to whether State Government is liable to pay pro rata pension to the applicant is purely a matter between the applicant and the State Government. The relief sought for is also against the State Government. In the above circumstances, the relief sought for by the applicant is against the State Government solely, cannot be adjudicated by this Tribunal. Leaving open the right of the applicant to approach other appropriate forum, this OA is dismissed. No costs.

Dated, the 25th March, 2013.



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

vs