

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 7th August, 2001

OA No.45/2001

All India Kendriya Vidyalaya Teachers Association, Jaipur Region
through its General Secretary and Secretary (Staff Side) Regional
Joint Consultative Machinery, IVS, Jaipur Region Shri B.K.Pachauri s/o
Shri Mukut Bihari Lal r/o 5, Pursharth Nagar, Jagatpura, Jaipur

..Applicant

Versus

1. Kendriya Vidyalaya Sangthan through its Commissioner,
18, Jeet Singh Marg, New Delhi.
2. Assistant Commissioner, Kendriya Vidyalaya Sangthan,
Jaipur Region, Esraj Nagar, Jaipur

.. Respondents

Mr. Rajendra Vaish, counsel for the applicant

Mr. V.S.Gurjar, counsel for the respondents

CORAM:

Hon'ble Mr. S.F.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

All India Kendriya Vidyalaya Teachers Association has
filed this application challenging letter No.F.19-13/98-IVS (Audit)
dated 9.1.2001 issued by the Kendriya Vidyalaya Sangthan (IVS in
short) Headquarters. Vide this letter the Principal of all Kendriya
Vidyalayas have been advised that the Transport Allowance is not
admissible to the vacation staff during vacation exceeding 30 days.
Prayer of the applicant Association is that this letter be quashed and
set-aside.

2. When the matter was taken up for admission, the learned

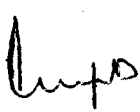


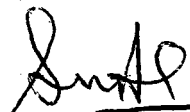
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counsel for the applicant drew our attention to letter dated 19.5.98 issued by the Joint Director of Education of the Government of N.C.T. of Delhi and submitted that as per this letter, the Government of India had clarified that vacation is treated as duty period for the teaching staff and on that basis teaching staff is entitled for Transport Allowance during vacation. The learned counsel submitted that the applicant Association has submitted a representation dated 23.1.2001 to the Commissioner, FVE, New Delhi but there has been no response. His plea was that the respondents be directed to dispose of the said representation of the applicant Association keeping in view the orders issued by the Government of NCT of Delhi.

3. In view of the submissions made before us, we consider it appropriate to dispose of this OA at the stage of admission by passing the order as under:-

"The applicant Association is directed to submit a fresh representation to respondent No.1 enclosing therewith a copy of the letter dated 19.5.98 issued by the Government of N.C.T. of Delhi, within a period of one month of the date of this order. Respondent No.1 is directed to decide the representation, so received, by passing a reasoned and speaking order and the decision so arrived shall be communicated to the applicant Association within four months of the receipt of the representation. In the event the applicant feels aggrieved with the decision so communicated, the applicant is at liberty to agitate the matter by filing a fresh OA, if so advised. No order as to costs"


(A.P. NAGRATH)
Adm. Member


(S.K. AGARWAL)
Judl. Member