

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

ORIGINAL APPLICATION NO. 34 of 2003

Jabalpur, this the 27th day of February, 2003.

Hon'ble Mr. R.K. Upadhyaya, Member (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

Vijay Kumar Rajwade, aged about
39 years, S/o Shri Saheshwar Ram,
Resident of Bhagwanpur, P.O.
Raghavapuri, Ambikapur.

-APPLICANT

(By Advocate- Mr. S. Nagu)

Versus

1. Kendriya Vidyalaya Sangathan through its Commissioner, R.P.I Section-18, Institutional Area, Saheed Jeet Singh, Marg, New Delhi-110016.
2. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, G.C.F. Estate, Jabalpur, M.P.

-RESPONDENTS

ORDER (ORAL)

By Hon'ble Mrs. Meera Chhibber, Member (J):

By this O.A., the applicant has sought the following reliefs:-

- "(i) The Hon'ble Tribunal be pleased to direct the respondents to fix the pay properly as per Vth pay Commission wef 1.1.1996.
(ii) That the Hon'ble Tribunal be pleased to pay the arrears of his pay with penal interest since 1.1.1996. Till the date of realisation.
(iii) Any other relief which Tribunal thinks fit in the present facts and circumstances of the case.
2. It is submitted by the applicant that he was initially appointed on Group 'D' post on 12.4.1988 and thereafter his pay was fixed under IVth Pay Commission. At B The present applicant is working as Lab Attendant in the pay scale of Rs.2610-3540 and has been drawing salary @ Rs.3030/- since 1995, but thereafter his pay has not

been fixed as per the recommendations of the Vth Pay Commission in the revised scale w.e.f. 1.1.1996. It is further stated by the applicant that the service book, option form for pay-fixation have already been duly filled and supplied to the respondents since long and are in their possession, which is evident from respondents' own letters dated 25.3.1998, 31.3.1998 and 25.7.2002 (Annexures A-1 to A-3), but in spite of that, till date his pay has not been pre-fixed in the revised scale. Thereafter, he was compelled to ^{give} a legal notice and a representation on 1.10.2002, but till date neither he has been given any reply nor his pay has been pre-fixed in the revised scale. Thus, he filed the present O.A.

3. We have heard the counsel of the applicant and perused the pleadings as well.

4. Annexure A-1 shows that the Principal had written a letter to the Assistant Commissioner, KVS (Regional Office) Jabalpur as back as on 25.3.1998 requesting him to approve the re-fixation of pay as per option forms, pay-fixation proforma duly completed alongwith the service records ^{of} by the staff of the school so that arrears could be paid to the concerned person. This was also followed by letter dated 31.3.1998, where the Principal had requested to the Assistant Commissioner to expedite of the personal file of Shri Vijay Kumar Rajwade for fixation of salary as per Vth Pay Commission report. This letters shows that the service book of the applicant was already deposited in the office of Assistant Commissioner, KVS, Regional Office, Jabalpur. Today, when the matter was called out, the Counsel of the applicant informed that the applicant now is presently posted in Kendriya Vidyalaya, Ambikapur, i.e., Chhattisgarh, but his pay ^{has} ^{been} ~~not~~ still not ~~pre~~

fixed only because his service book and other particulars have not been sent from the office of Jabalpur to Chhattisgarh. Thus, we have satisfied that this is a case, which can be decided at the admission stage itself by giving a direction to the respondent No.2 to pass an order on the request made by the Principal of Kendriya Vidyalaya, Jabalpur and now by the Principal of Kendriya Vidyalaya, Ambikapur vide letter dated 25.7.2002 (Annexure A-3) with regard to the applicant's fixation of pay in the revised scale within a period of two months from the date of receipt of copy of this order and send the same alongwith applicant's service book and other particulars to the office of Principal, K.V., Ambikapur so that the arrears may be prepared and paid to the applicant at the earliest. With this the above directions, this O.A. is disposed of at the admission stage itself with no order as to costs. Applicant may send a copy of this order alongwith a copy of the application to respondent no 2.

(Mrs. Meera Chhibber)
Member (J)

(R.K.Upadhyaya)
Member (A)

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