

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 811 of 2003

Jabalpur, this the 20th day of November, 2003

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Vijay Kashyap, S/o. Late Shri
G.R. Kashyap, Aged 52 years,
U.D.C., Kendriya Vidyalaya No. 1,
Bhopal, R/o. Quarter No. 22,
K.V. No. 1, Bhopal (M.P.).

... Applicant

(By Advocate - Shri B.da.Silva)

V e r s u s

1. Commissioner, Kendriya
Vidyalaya Sangathan, 18,
Institutional Area, Shaheed
Jeet Singh Marg, New Delhi.
2. Union of India,
Through : Secretary, Ministry
of Human Resources Development,
New Delhi.
3. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Tagore Nagar,
University Road, Bhopal.
4. Principal, Kendriya Vidyalaya
No. 1, Shakti Nagar, Gwalior.
5. Principal, Kendriya Vidyalaya
No. 4, Gwalior.

... Respondents

O R D E R (Oral)

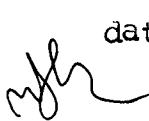
By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has sought direction to quash the order dated 15/16.05.1998 (Annexure A-2) and order dated 25.09.1998 (Annexure A-4) and has sought further direction to recover licence fee at normal rate failing which not exceeding double the scheduled licence fee.

2. The brief facts of the case are that the applicant joined

Kendriya Vidyalaya Sangathan on 01.07.1995 as a LDC. He was promoted to the grade of UDC in the year 1982. While he was working at Gwalior he was allotted quarter No. 8/3, K.V. No. 1. Thereafter he has been transferred to Kendriya Vidyalaya I.T.B.P., Karera, Shivpur, vide order dated 26/29.07.1997. The applicant has been retransferred to Kendriya Vidyalaya No. 4, A.F.S., Residency, Gwalior on 09.03.1998. While he was transferred to KV, ITBP, Karera, Shivpur, the applicant has retained the Government accommodation allotted to him at Gwalior. The respondents have charged licence fee at the market rate from the applicant. The applicant has submitted a number of representations requesting the respondents to charge the normal licence fee for the period he has stayed in the Government accommodation. Till now the respondents have not decided the representation of the applicant. The last such representation/appeal was filed by the applicant on the 16th February, 2002.

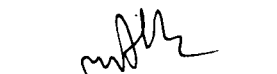
3. In the circumstances we deem it appropriate to dispose of this Original Application at the admission stage itself without issuing notice to the respondents by directing the respondents to consider the representation of the applicant dated 16th February, 2002 (Annexure A-5) and treat this OA as a part of the representation and take a decision by passing a reasoned, detailed and speaking order taking into consideration the judgment of the Hon'ble Supreme Court in the case of S.S. Tiwari Vs. Union of India and others reported in (1997) 1 SCC 444 and the judgment of the Hon'ble High Court of the Madhya Pradesh in the case of Ramchandra Agrawal Vs. Kendriya Vidyalaya Sangathan in WP No. 611/98, dated 07.09.1998, within a period of three months from the date of receipt of copy of this order and the OA. In the



meantime no further recovery will be made by the respondents from the applicant.

4. Accordingly, the Original Application stands disposed of at the admission stage itself with the aforesaid directions.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

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(1) ...

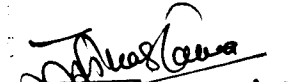
(2) ...


(3) ...

(4) ...

सूचना एवं आवश्यक पत्राचार

B. danwa, Adm.


5/12/03


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