

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT CAMP : INDORE

Original Application No.237 of 2000

Indore, this the 12th day of November, 2003

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

Virendra Gaur, S/o Shri Ramprasad Gaur,  
Aged 65 years, Occupation Retired P.G.T.,  
R/o 85/3, Samvid Nagar, Kanadia Road, Indore (M.P.) - APPLICANT

(By Advocate - Shri Rajendra Tiwari on behalf of Shri C.B.Patne)

Versus

1. The Kendriya Vidyalaya Sangathan, New Meharoli Road, Shahid Jeet Singh Marg, New Delhi.
2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Madhya Pradesh Region, Opposite Maida Mill, Bhopal (M.P.).

- RESPONDENTS

(By Advocate - None)

ORDER (Oral)

By M.P.Singh, Vice Chairman -

None is present on behalf of the respondents. As this is an old matter, we have decided to dispose of this OA, in the absence of counsel for the respondents, by invoking the provisions of Rule 16 of Central Administrative Tribunal (Procedure) Rules, 1987.

2. By filing this Original Application, the applicant has sought the following <sup>main</sup> reliefs-

"to direct the respondents to revise the pension, pension commutation and gratuity of the applicant after adding his State Govt. Service from 12.1.60 to 4.8.73 and to make payment of all arrears with interest @ 18% per annum from the date of accrual".

3. The brief facts of the case are that the applicant retired as Post Graduate Teacher from Kendriya Vidyalaya Sangathan (for short 'KVS') on 31.8.1994. On his retirement he was paid the pensionary benefits only for the period for which he had worked with KVS i.e. from 1973 to 1994. Pensionary benefits for the period from 12.1.1960 to 4.8.1973 when the applicant had served as Lecturer/UDT under M.P. Government

has not been taken into consideration for fixing his pensionary benefits by the respondents. The applicant filed a Writ Petition No.1282 of 1996 before the Hon'ble High Court of Madhya Pradesh, Bench at Indore, in which the Hon'ble High Court vide its order dated 6.11.1997 (Annexure-A-2) has held as follows-

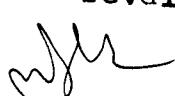
"6. In the circumstances, I dispose of this petition with direction to Respondent No.1 to settle the claim of the petitioner..within a period of three months from today under intimation to the petitioner. In case of delay or improper decision despite Annexure P/6, the petition may resort to appropriate remedy as may be permissible in law".

When the aforesaid order of the Hon'ble High Court was not complied with by the respondents, the applicant moved a Contempt Petition No.136 of 1998 before the Hon'ble High Court of Madhya Pradesh at Indore, wherein the Hon'ble High Court has observed & held as under -

"In fact in such type of contempt petitions, where contempt is per se, it would have been appropriate to call the contemners to remain present in Court, but only with an intention, not to create obstruction in the day to day working of the contemners, this practise is not being adopted by this Court. But on account of this, the order should not be taken so lightly. Learned Government Advocate is directed to convey this order to the Chief Secretary and all other Principal Secretaries, on their failure to comply with the directions of the Court, the Court will definitely take a serious view of the matter. Now coming to the merits of the order, learned counsel appearing for the respondent gives an undertaking that the order passed by this Court on 6-11-1997 would now be complied with positively and without fail within a period of two months hereof. In this view of the matter no directions are given. This contempt petition stands finally disposed of.."

The learned counsel for the applicant contends that in spite of the aforesaid orders of the Hon'ble High Court, neither the respondents have counted his earlier period for pension nor they have paid the revised pension. Hence he is again forced to file this Original Application.

4. The respondents in their reply have stated that they have received five demand drafts from the Department of Education, Govt. of MP for a total amount of Rs.14,338/- but the same were returned to the Department of Education for revalidation, but the <sup>demand draft b</sup> same were again returned to the



Contd....3/-

respondent-organisation by the Govt. of MP without doing the needful work. In these circumstances, unless the conditions are fulfilled, the respondent-KVS is not in a position to count the past services of the applicant.

5. Heard the learned counsel for the applicant and perused the pleadings carefully.

6. The learned counsel for the applicant has submitted that despite the order passed by the Hon'ble High Court the respondents have not yet counted the period of past service of the applicant rendered by him in the State of MP. He has drawn our attention to the letter dated 9.3.2001 (Annexure-R-2). According to the said letter, an amount of Rs.14,338/- was sent by the Govt. of MP to the KVS which was pertaining to the remittance of pro-rata retirement benefits for the service rendered by the applicant in the Education Department of Govt. of MP for the period from 12.1.68 to 4.8.73 for counting of the same towards pensionary benefits in the KVS. The respondents vide their aforesaid letter returned the draft to the Joint Director Lok Shikshan, Bhopal Region for revalidation as the demand drafts had become time barred.

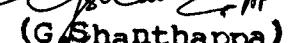
7. We find that more than two years have passed and the respondents have not yet been able to settle the issue of counting the past service of the applicant. The matter is just hanging on the revalidation of the demand draft even after the orders ~~have~~ <sup>and strictures having</sup> been passed by the Hon'ble High Court.

8. In the circumstances, we direct the respondent no.2 i.e. the Assistant Commissioner, KVS, Madhya Pradesh Region, Bhopal to settle the matter with the State Government for getting the demand draft revalidated or if need be by deputing their officer to the concerned Education office of the State Government and thereafter count the services of the applicant rendered by him in the State of MP for the purposes of pensionary benefits. The respondents are further directed to revise all his retiral benefits within a period of six months from today <sup>8</sup> positively failing which interest at the rate of 18% shall be



paid by them to the applicant from the date it was due to the actual date of payment, on the amounts which shall be payable to the applicant on revision of the pensionary benefits.

9. In the above terms the OA is disposed of. No costs.

  
(G. Shanthappa)

Judicial Member

  
(M.P. Singh)  
Vice Chairman

rkv.

पृष्ठांकन सं ओ/न्या..... नं. .... दि. ....  
प्रमिलिणि दिनांक. ....

(1) रमेश, राजा अग्रवाल, विवेक अग्रवाल, विवेक अग्रवाल  
(2) रमेश, राजा अग्रवाल, विवेक अग्रवाल C B Patwa, Adm. IED  
(3) रमेश, राजा अग्रवाल, विवेक अग्रवाल V. Saran, Adm. IED  
(4) रमेश, राजा अग्रवाल, विवेक अग्रवाल

राजांकन द्वारा आवश्यक दिनांक. ....

  
ज्ञ. राजांकन  
17-11-03