

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 258 of 2000

Jabalpur, this the 27th day of November, 2003

Hon'ble Mr. G. Shanthappa, Judicial Member

R. David, aged 48 years, son of Shri  
A. David, working as Trained Graduate  
Teacher, General Secretary, All India  
Kendriya Vidyalaya Teachers Association  
Jabalpur Region, Jabalpur (MP)

APPLICANT

(By Advocate - None)

VERSUS

1. Union of India, through Secretary  
Ministry of Human Resources Development,  
Govt of India, New Delhi

2. Commissioner, Kendriya Vidyalaya  
Sangathan, 18, Institutional Area  
Shahid Jaatsingh Marg, New Delhi

3. Assistant Commissioner, Kendriya  
Vidyalaya Sangathan, Jabalpur  
Regional KV No. 1 G.C.Fy Campus,  
Jabalpur (MP)

RESPONDENTS

(By Advocate - Shri M.K. Verma)

ORDER (ORAL)

The applicant has filed above application seeking relief to issue a writ in nature of writ of Certiorari for quashing Annexure A-1 (i.e. Memo dated 25-1-2000 issued by respondent No. 2 and Notification d/d 27-10-99 issued by respondent No. 1 with the direction not to recover the Bonus paid to Trained Graduate Teachers and teachers holding equal grade in KVS in Jabalpur Region and to pay the bonus for time to come.

2. The case of the applicant is that Annexure-A-1 is the correspondence letter dated 25.1.2000, along with the said letter he has produced ~~that~~ a letter of the Government of India, Ministry of Human Resource development, Department of Education, dated 27.10.1999 which speaks " Accordingly, it is clarified that the teachers/employees who are drawing pay in the scale of pay exceeding Rs.1640-2900 (pre-revised), and Rs.5500-9000 (revised) are not eligible for ad hoc bonus. All UTs/Autonomous Bodies are requested to make payment of bonus in the light of above clarification and make recovery in cases where excess payment has already been made for the years

Annexure-A-2 i.e. revision of pay scales of teaching & non-teaching staff of KVS dated 13.12.97 and Annexure-A-3 letter dated 6.2.98 a similar letter all the said letters regarding revision of pay scales.

3. The applicant has produced Annexure-A-4 regarding grant of ad-hoc bonus to Central Government employees for the year 1996-97. Extension of orders to Autonomous bodies along with the said letter i.e. official memorandum 3.10.97 regarding the same subject for the year 1996-1997. Annexure-A-5 is also a similar letter for the year 1997-1998. Subsequently the association of All India KVT has submitted a representation dated 26.2.2000 vide Annexure-A7 requesting the respondent No.2 regarding recovery of bonus for the year 96-97 onwards clarification regarding. Hence, the action taken by the respondents as per Annexure-A-1 is not proper, the same is liable to be quashed.

4. Per contra the respondents have filed their reply stating that the applicant is working a teacher is not working as labour. Hence he is not entitle for the bonus. If he wants to claim for bonus he <sup>has to</sup> approach the Industrial Tribunal. The respondents further urged that the OA filed after lapse <sup>of</sup> so many years which is barred by limitation. In support their case they have filed a circular dated 29.3.2000 (Annexure-R-1). Annexure-R-1 dated 29.3.2000, the said letter relates for grant of ad-hoc bonus for the year 1997-1998. It is further submitted that the said Annexure-R-1 applicable to all the employees those working civil servant under the Central Govt. Para 2 of the reply specifically stated i.e. circular dated 29.3.2000, no recovery of the bonus trained graduate teacher and other miscellaneous teachers during 1997-1998 was made for special teachers. In para 3 of the reply it is stated that there is no recovery of bonus has yet been made from trained graduate teachers and other miscellaneous teacher till final decision of Ministry of HRD, Deptt. of Education, Govt. of India through KVS Headquarters. The submission of learned counsel for

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respondents it taken on record, issue regarding grant of bonus is not decided finally by the Ministry. Hence, the application is premature, the respondents may be directed to take final decision regarding the issue.

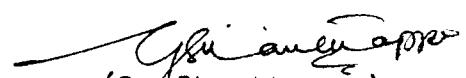
5. Subsequent to filing the reply, the applicant has filed MA No. 1998/2000 for grant of interim direction along with the said application some documents are produced by the applicant. On the said application the respondents have filed reply to the said application. The reply along with documents are considered.

6. Heard the learned counsel for the respondents and carefully perused the pleading and documents which placed on record.

7. On the basis of the records and submission of the learned counsel for the respondents, the application is restricted only to the applicant but not in respect of grievances of the All India Kendriya Vidyalaya Teachers Association Jabalpur Region, Jabalpur.

8. On the submission made by the respondents regarding the issue, grant of bonus to the applicant. When the Ministry has not taken final decision, the direction is given to the respondents to take final decision on the basis of the records and submission made in this case.

9. The said OA disposed of with a direction to the respondents to consider all documents submitted by the applicant and the document submitted by the respondents and take final decision for grant of ad-hoc bonus for the year 1997-1998, within a period of 4 months from the date of receipt of copy of this order. The OA stands disposed of. No costs.

  
(G. Shanthappa)  
Judicial Member

पूछांसल सं ओ/ज्ञा..... जलालपुर, दि.....  
ए दिल्लिपि उद्देश्य

(1) श्री राम रामानन्द यादव व्यापारी, जलालपुर  
✓ (2) अमित यादव यादव कांसल  
✓ (3) राम यादव यादव कांसल  
(4) राम यादव यादव कांसल

सूचना १० वर्षावक कार्यवाही हेतु

Shri P. N. Dubey Adv. J.B.P.

Shri M. K. Verma Adv. J.B.P.

Shastri  
9.12.03

Shastri  
10.12.03