

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 15.02.2013

OA No. 447/2010

Mr. R.C. Joshi, counsel for applicant.
Mr. Hawa Singh, counsel for respondents.

Arguments heard.

The learned counsels for the respective parties are given liberty to file and exchange their written synopsis by the next date.

Put up the matter on 25.02.2013 for dictation of orders.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

K. S. Rathore

(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

25-2-2013

Mr. R.C. Joshi - counsel for applicant
Mr. Hawa Singh - counsel for respondents

Heard the learned counsel for
the parties -

For the reasons dictated
separately, the OA stands disposed of.

Anil Kumar

(Anil Kumar)
Member (A)

K. S. Rathore

(Justice K.S. Rathore)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 25th day of February, 2013

ORIGINAL APPLICATION No. 447/2010

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Dr. A.K. Bhatt son of Late Shri D.N. Bhatt aged 54 years working as Principal, Kendriya Vidyalaya No. 4, Army Area Khatipura Road, Jaipur.

... Applicant

(By Advocate: Mr. R.C. Joshi)

Versus

1. The Union of India through the Secretary, Ministry of Human Resources, Shastri Bhawan, New Delhi.
2. The Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi.
3. The Dy. Commissioner (Personnel), Kendriya Vidyalaya Sangathan (Personnel), 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi.
4. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, 92 Gandhi Nagar, Bajaj Nagar, Jaipur.

... Respondents

(By Advocate: Mr. Hawa Singh)

ORDER (ORAL)

The applicant has filed this OA praying for the following reliefs:-

- "(a) The order dated 24.09.2009 (Annexure A/1 read with the order dated 05.08.2008 (Annexure A/2) may kindly be declared to be illegal and the same may kindly be quashed and set aside. The respondents be directed to re-fix the salary of the applicant as submitted in Para (xvi) hereinabove and make payment of the difference as submitted in Schedule 'A';

Anil Kumar

- (b) the respondents be directed to make full salary from 05.04.2002 to 09.04.2002 after deducting the subsistence allowance already paid to him.
- (c) The respondents be directed to make payment of subsistence allowance from 05.07.2002 to 19.09.2003 @ 75% after deducting the 50% subsistence allowance already paid to the applicant.
- (d) The respondents be directed to make payment of full salary from 20.01.2003 to 09.02.2003 after deducting the subsistence allowance already paid to him.
- (e) Any other relief to which the applicant is found entitled for may be granted to him.
- (f) The OA be allowed with costs."

2. Heard learned counsel for the parties and perused the documents on record. Learned counsel for the applicant submitted that the respondents be directed to fix the salary of the applicant as submitted in Para No. 4.16 of the OA. On the contrary, learned counsel for the respondents submitted that the pay of the applicant has been rightly fixed in accordance with the Central Civil Services (Revised) Pay Rules, 2008.

3. While deciding the OA No. 334/2010, the Tribunal had observed that the applicant was awarded the following minor penalty by the Appellate Authority:-

"Reduction of pay by three stages from Rs.11,950/- to 10,975/- in the pay scale of Rs.10,000-325-15,200/- for a period of 03 years with the stipulation that he would earn increments during the period and on expiry of this period, the reduction will not have the effect of postponing future increments."

4. It was not disputed between the parties that the penalty imposed by the Appellate Authority was a minor penalty. Since the penalty imposed on the applicant by the respondents in OA

Anil Kumar

No. 334/2010 has been modified to that of 'Censure', the respondents are directed to re-examine the case of fixation of pay of the applicant according to the provisions of law. Therefore, the applicant is entitled that the period of suspension be treated as duty according to the terms of DOPT OM No. 11012/15/85-Estt.(A) dated the 3rd December, 1985. We direct the respondents that the pay of the applicant be re-fixed according to the provisions of this OM and also in accordance with the directions issued by this Tribunal in OA No. 334/2010 [Dr. A.K. Bhat vs. Union of India & Others] decided on 25.02.2013. The respondents are further directed to complete this exercise expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order. If the applicant is aggrieved by the order issued by the respondents in furtherance of these directions, he is at liberty to redress his grievances in accordance with the provisions of law before the appropriate forum.

5. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

K. S. Rathore
(Justice K.S.Rathore)
Member (J)

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