

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

OA 187/2015

Reserved on: 29.08.2016  
Pronounced on: 2.09.2016

**Hon'ble Mr. P.K. Basu, Member (A)**

Shri R.S. Misra, Ex.PGT (Chemistry)  
Aged 70 years  
S/o Late Shri J.P. Misra  
S-93, New Palam Vihar  
Phase-I, Gurgaon-122017

... Applicant

(Appeared in person)

Versus

1. The Commissioner, KVS  
18, Institutional Area, SJS Marg  
New Delhi-16
2. The Joint Commissioner (Admin)  
Kendriya Vidyalaya Sangathan  
18 Institutional Area, SJS Marg  
New Delhi-16

... Respondents

(Through Shri S. Rajappa and Dr. Puran Chand, Advocates)

ORDER

The applicant was appointed as Trained Graduate Teacher (TGT) (Science) in Kendriya Vidyalaya Sangathan (KVS). His services were terminated on the ground of immoral sexual behavior towards girl students at Kendriya Vidyalaya, Rajkot vide dismissal order dated 11.02.1988. He was reinstated vide order dated 3.10.2000 based on the order of the Hon'ble High Court. Thereafter, the applicant was posted at a Vidyalaya in

Manipur, where similar complaints were received against the applicant from the Secretary, Government of Manipur in 2001, alleging that the applicant had indulged in acts of moral turpitude involving exhibition of immoral sexual behavior towards the girl students of Class XI Arts. His services were again terminated with effect from 24.01.2006. This was challenged by the applicant before the Tribunal in OA 996/2006. The said OA was dismissed vide order dated 24.07.2007. The Hon'ble High Court dismissed the appeal preferred vide order dated 10.07.2009 in Writ Petition No.3902/2008, upholding the order of the Tribunal in OA as well as in R.A. The same was the fate of the SLP filed before the Hon'ble Supreme Court. Therefore, the second termination of the applicant dated 24.01.2006 holds.

2. The applicant has filed this OA with the following prayers:

- (a) Direct to enter E.L. against unavailed joining time for both ways with immediate effect and encashment amount to be paid thereof.
- (b) Direct to pay 12% per annum interest on delayed payment of leave encashment amount upto date.
- (c) To recalculate and enter correct figure of E.L.-wise for the period of legal battle upto date of salary paid i.e. 31.01.2006.
- (d) Direct the competent authority of KVS to take stern disciplinary action against officials of KVS for shifting responsibilities to each other.

3. In support of relief claimed, the applicant relies on judgment dated 2.02.2009 in Writ Petition (C) No.15214/2006. In this Writ Petition, the applicant had sought certain payments under different heads on the strength of orders passed by the Hon'ble High Court, setting aside the termination of the petitioner and allowing his reinstatement with consequential benefits. This case, however, relates to first termination order dated 11.02.1988 and is, therefore, not relevant for our purpose because now the second termination order dated 24.01.2006 has been passed, which has been upheld right upto the Hon'ble Supreme Court.

4. Learned counsel for the respondents submitted that since his second termination order has been upheld right upto the Hon'ble Supreme Court and the applicant stands terminated, therefore, under Rule 24 of CCS (Pension) Rules, his entire past service stands forfeited. Thus, there cannot be any claim pertaining to that period let alone claim for inclusion of joining time for the purpose of leave encashment. Moreover, it is stated that in Contempt Petitions No.588/2009 and 14/2008, the Registrar General of the Hon'ble High Court has submitted report dated 28.05.2012 in which it is clearly stated that all issues between the parties stand settled.

5. The applicant, who appears in person, also relies on judgment dated 22.08.2012 of the Hon'ble Supreme Court in **R.S. Misra Vs. Union of India and others**, (2012) 8 SCC 558.

However, again this is regarding payment of salary for a period, between first termination and superannuation.

6. I have carefully considered the rival contentions of the parties and gone through the records of the case. I find no merit in this OA for the reasons recorded in para 3, 4 and 5 above and, therefore, dismiss the same. No costs.

( P.K. Basu )  
Member (A)

/dkm/