

**Central Administrative Tribunal
Principal Bench**

**CP No.471/2015
in
OA No.1080/2012**

New Delhi, this the 16th day of February, 2016

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

Sh. Brij Mohan,
S/o Shri Ramesh Chander,
House No.59/12,
Lane No.12, Arjun Nagar, Gurgaon,
Haryana-122001.
Presently working as T.G.T. Teacher (S. Science),
G.B.S.S.S., Rajokri,
New Delhi.

...petitioner

(By Advocate : Shri Anil Kumar Singh)

Versus

1. Shri Santosh Kumar Mall,
The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahid Jeet Singh Marg,
New Delhi-110016.
2. Mr. AVLJ Rao,
Assistant Commissioner,
Kendriya Vidyalana Sangathan,
Regional Office, Government Hospital Road,
Gandhinagar, Jammu-180004.
3. Dr. Puneet Kumar Goel, IAS,
The Commissioner,
South Delhi Municipal Corporation,
Dr. S.P.M. Civic Centre, Minto Road,
New Delhi-110002.

4. Ms. Premlata Kataria,
 The Director of Education (Primary),
 South Delhi Municipal Corporation,
 Dr. S.P.M. Civic Centre, Minto Road,
 New Delhi-110002.

5. Ms. Premlata,
 The Deputy Director of Education,
 South Delhi Municipal Corporation,
 Education Department,
 South Zone, Green Park,
 New Delhi-110016.

...respondents.

(By Advocate : Shri U.N. Singh for R-1&2
 Ms. Anupama Bansal)

ORDER (ORAL)

Mr. A.K. Bhardwaj, Member (J) :-

This Tribunal allowed the OA No.1080/2012 in terms of order dated 25.04.2014. Para 9 of the order read thus :-

“9. We, in the above facts and circumstances of the case, allow this OA and direct the Respondents-MCD to treat the resignation of the Applicant from the service of the KVS as technical resignation and to count the period of his past service rendered from 11.08.2003 to 19.04.2006 in KVS for all purposes including continuity in service and all consequential benefits arising therefrom, including pensionary benefits. Consequently, the KVS is directed to transfer the service book, GPF account and leave account of the Applicant to the MCD to enable them to count his aforesaid past service in the new post. They shall also fulfill all responsibilities on their part including paying pension contribution etc. The aforesaid directions shall be complied with, within a period of 2 months from the date of receipt of a copy of this order. The Respondents-MCD shall also issue appropriate orders counting the past

service of the Applicant for all purpose within one month thereafter. “

2. The present Contempt Petition was filed alleging disobedience of the above said order. Today Ms. Anupama Bansal, learned counsel for respondent Nos.3to5 produced a copy of affidavit dated 12.02.2016. The affidavit is accompanied by Office Order No.ADE/SZ./2016/D/4822 dated 09.12.2016. In terms of the said order, the service rendered by the applicant in KVS from 11.08.2003 to 19.04.2006 has been counted in MCD with all consequential benefits. The Office Order read thus:-

“OFFICE ORDER”

In compliance of order dated 25.04.2014 passed by the Hon’ble Central Administrative Tribunal in O.A. No.1080/2012 in the matter of Brij Mohan Vs DSSSB & Ors., Sh. Brij Mohan (applicant) is eligible for counting the past service w.e.f. 11.08.2003 to 19.04.2006 as service rendered in Kendriya Vidyalaya Sangathan including continuity in service i.e. 20.04.2006 and all consequential benefits arising thereof, including pensionary benefits. This is further subject to Audit Objection, if any.

The same is subject to relaxation of the provisions of concerned rules from Department of Personnel & Training, Govt. of India and appeal, if any, to be filed in any higher Hon’ble Court.

This issued with the prior approval of Competent Authority.”

3. After the said order, respondents have issued Officer Order dated 11.02.2016 in terms of which the pay of the applicant has been re-fixed. The said order read thus :-

“OFFICE ORDER

In compliance of Directions of Hon'ble Central Administrative Tribunal vide O.A. No.1080/2012 in the matter of Brij Mohan V/s DSSSB & Ors., DCA/SZ, SDMC is pleased to refix the salary of Sh. Brij Mohan vide Orders dated 10.02.2016 thereby granting the benefit w.e.f. 11/08/2003 to 19.04.2006, the period rendered by him in Kendriya Vidyalaya, Chennai (J&K), in the pay scale of 9300-34800 + 4200 under 6th CPC.

Shri Brij Mohan, Teacher pay is re-fixed w.e.f. 20/04/2006 as per concurrence of DCA/SZ dated 10/02/2016 as under :-

Date of Annual Increment	Pre-existing pay w.e.f. 11.08.2003 to 19.04.2006 in KVS.	Pay fixed in Pay scale (9300-34800 GP 4200)
20.04.2006		9580+4200
1.7.2006		10000+4200
1.7.2007		10430+4200
1.7.2008		10870+4200
1.7.2009		11330+4200
1.7.2010		11800+4200
1.7.2011		12280+4200
1.7.2012		12780+4200

TGT Promotion on 01.04.2013

The above pay fixation is subject to final acceptance of audit and overpayment, if any, is recoverable.”

4. It is also the stand taken by the respondents that the necessary entries have been made in the Service Book of the applicant received from the KVS, which will be sent to GNCTD for further necessary action by the office where the applicant is presently working as TGT. Para 8 of the order read thus :-

“8. That necessary entries have been made in the service book of Sh. Brij Mohan, received from KVS, which will be sent to GNCTD for further necessary action by the office where Sh. Brij Mohan is presently working as TGT.”

5. In view of the aforementioned, there is no wilful disobedience of the order passed by this Tribunal. We are *sanguine* that if any follow up action is not already taken, the same would be taken within one week from today.

(V.N. Gaur)
Member (A)

(A.K. Bhardwaj)
Member (J)

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