

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

O.A. No. 2871/2017

The 12th day of November, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MS. ARADHANA JOHRI, MEMBER (A)**

Palak Dhari Yadav (in short P.D. Yadav)
Aged 68 years, Group 'B'
Retired PGT Teacher
S/o Shri Ram Deo Yadav,
R/o House No.A/74, Jaggi Wali Gali,
Amritpuri (Garhi), Near A-Block Market,
East of Kailash, New Delhi-110065. .. Applicant

(By Advocate : Shri Jay Kishor Singh)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
2. The Joint Assistant Commissioner
(Admn and Vig.)(Formerly)
Now Additional Commissioner (Admn),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.
3. The Assistant Commissioner (Formerly)
Now Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Delhi Region, J.N.U. Campus,
New Mehrauli Road,
New Delhi-110067. .. Respondents

(By Advocate : Shri S. Rajappa)

ORDER (ORAL)**By Mr. V. Ajay Kumar, Member (J)**

The applicant, a retired PG Teacher in the respondent – Kendriya Vidyalaya Sangathan (KVS), earlier filed O.A. No. 428/2012 challenging the disciplinary proceedings whereunder he was imposed with the punishment of reduction to a lower stage in the time scale of pay by three stages. This Tribunal, after hearing both the sides, allowed the said O.A. by order dated 19.11.2014 as under:

“11. Accordingly, we allow this OA and quash the inquiry report as well as orders of the Disciplinary Authority dated 21.10.2009 and the Appellate Authority dated 22.12.2011. The pay of the applicant shall be restored with all consequential benefits of pay fixation and payment of arrears. In the normal course, we would have given liberty to the respondents to hold inquiry afresh against the applicant. However, in this case we notice that the incident pertains to 1983 and even in his report dated 10.2.2006, the inquiry officer had observed that witnesses were not traceable. Hence, in our opinion no useful purpose would be served by giving such liberty to the respondents. There shall be no order as to costs.”

2. Alleging non-implementation of the aforesaid orders, the applicant filed CP No.132/2016 and the CP was closed after recording the actions taken by the respondents in compliance of the orders of this Tribunal in the O.A., and the operative portion of the same reads as under:

“2. It was agreed upon by the parties that the respondents have extended the benefits of restoration of applicant's pay, pay fixation and payment of arrears to the petitioner. Learned counsel for the petitioner, however, submitted that further

consequential benefits of promotion and Sr. scale have still not been granted to him by the respondents.

3. We are satisfied that so far our order is concerned, the same has been substantially complied with. Accordingly, this C.P. is closed. Notices issued to the alleged contemnors are discharged. The petitioner may seek remedy under law for surviving grievances.”

3. MA 2405/2017 filed by the applicant in O.A. No. 428/2012 seeking clarification of the order dated 19.11.2014 was dismissed with a liberty to the applicant to act in accordance with law with regard to the surviving grievances, if any, by filing a fresh O.A. Accordingly, the applicant filed the instant O.A. seeking the following relief(s):

- “(i) Allow the O.A. and direct the respondent to release the senior scale and promotional scale benefits (Vice –Principal and Principal) to the applicant, withheld pursuant to the disciplinary proceedings AND
- (ii) Direct the respondents to pay the applicant the arrears of senior scale and promotional scale benefits (Vice-Principal and Principal) in terms of prayer clause (i) mentioned above AND
- (iii) Direct the respondent to release the benefits mentioned in prayer clause (i) and (ii) to the applicant from the period the least as his juniors have been given AND
- (iv) Pass any other order or orders as this Hon’ble Court may deem fit and proper to meet the ends of justice.”

4. Heard Shri Jay Kishor Singh, learned counsel for the applicant and Shri S. Rajappa, learned counsel appearing for the respondents and perused the pleadings on record.

5. It is submitted that after the O.A. is filed, the respondents have considered the case of the applicant for granting of senior

scale and, accordingly, issued order dated 04.04.2018 granting the senior scale to the applicant.

6. The learned counsel for the applicant fairly submits that the only remaining grievance of the applicant is that his case should be considered for promotional scale/selection scale benefits (vis-à-vis Vice Principal and Principal) with effect from the date of his juniors.

7. Shri S. Rajappa, the learned counsel appearing for the respondent – KVS, also equally fairly submits that the respondents are ready to consider the case of the applicant as per the rules in respect of the remaining grievance of granting of promotional scale/selection scale benefits, vis-à-vis his juniors, if any, and appropriate orders would be passed shortly.

8. In the circumstances and in view of the submissions made on behalf of both the sides, the O.A. is disposed of by directing the respondents to consider the case of the applicant for granting of promotional scale/selection scale benefits, as per the rules, with effect from the date of the juniors of the applicant, if any, within 90 days from the date of receipt of a certified copy of this order. No order as to costs.

(ARADHANA JOHRI)
Member (A)

(V. AJAY KUMAR)
Member (J)

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