

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/220/2018

M.A. No.60/296/2018

Date of decision: 27.02.2018

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

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1. Harwinder Kaur, TGT (BIO) age 49 years, Wife of S. Jaswinder Singh, resident of House No.260-B, Sector 51-A, Chandigarh (Group C).
2. Kiran Bala, PRT, age 58 years Wife of Sh. Janak Kumar, resident of House No.234-B-10 Gulmohar City Ext. SAS Nagar, Mohali (Group C).
3. Kanchan Bala, PRT, age 53 years, Wife of Sh. P.K. Arya resident of House No. HM 40, Phase-4, SAS Nagar Mohali (Group C).
4. Savita Arora, TGT (Eng.), age 50 years, Wife of Sh. Rajeev Arora, resident of House No.878, Sector 11, Panchkula (Group C).
5. Meenakshi, PRT, age 51 years, wife of Sh. Sunil Kumar Sharma, resident of House No.2689, Sector 40-C, Chandigarh (Group C).
6. Anshu Sharma, TGT (W.E.T.) age 57 years, wife of Sh. Narinder Mohan Sharma, resident of House No.548, Sector 65, Mohali (Group C).
7. Pawan Lata Sharma, PRT, age 58 years, wife of Sh. B.D. Sharma, resident of House No.1562, Sector 70, Mohali. (Group C).
8. Sushma Sharma, PRT, age 52 years, wife of Sh. Rajiv Sharma, resident of House No.113, Phase XI, Sector 65, Mohali. (Group C).
9. Harvesh Singh, TGT (Art), age 59 years, son of Sh. Sucha Singh, resident of House No.243, Phase XI, Mohali (Group C).
10. Narain Dass, TGT (SKT), age 58 years, son of Late Jai Kishan, resident of House No.3078, 2nd Floor, Sector 46-C, Chandigarh (Group C).
11. Rajeev, PRT (Music), age 33 years, son of Sh. Devi Das, resident of House No.1150 FF, sector 80 , Mohali (Group C).
12. Neerja Sharma, TGT (Hindi) age 55 years, wife of Sh. Arvind Kumar Sharma, resident of House No.B-203, Kendriya Vihar, Sector 48-B, Chandigarh (Group C).
13. Manju Garg, PRT, age 59 years, wife of Sh. S.P. Garg resident of House No.1035, Sector 46-B, Chandigarh. (Group C).
14. Saroj Jaswal, TGT (S.S), age 58 years, wife of Sh. N. Jaswal, resident of House No.1445/1, Sector 70, Mohali. (Group C).
15. Neelam Siwatch, TGT (Lib), age 40 years, wife of Sh. Rajesh Siwatch, resident of House No.27, Simran Apartment, Ekta Bihar, Baltana, Mohali (Group C).
16. Anil Bansal, PRT, age 39 years, son of Sh. Suresh Kumar, resident of House No.985, Phase 10, Mohali. (Group C).

17. Raman Kalia, TGT (Lib), age 57 years, wife of Chander Shekhar Kalia, resident of House No.2349, Sector 23-C, Chandigarh (Group C).
18. Ashish Dhiman, TGT (P.H), age 38 years, son of Sh. Om Parkas Dhima, resident of House No.1911, Phase-5, Mohali. (Group C).
19. Kamla Devi, SSA, age 50 years, wife of Sh. Shyam Lal, resident of House No.491, Phase VII, Mohali. (Group C).
20. O.P. Arya, PRT (PRT Music), age 56 years, son of Sh. Sadhu Ram, resident of House No.99, Shakti Puram, Karnal. (Group C).
21. Preti Pandey, PRT, age 54 years, W/o Sh. Rjni Kant Pandey, resident of House No.B-204, Rail Vihar, Sector 4, MCD, Panchkula (Group C).
22. Sheela Khanna (Retired) age 62 years, wife of Sh. Ravinder Khanna, resident of House No.6188/3, Patel Road, Ambala City. (Group C).
23. Amarjit Kaur, TGT (SKT) (Retired), age 62 years, wife of Sh. Surjit Singh, resident of House No.B-239, Sector 48-B, Chandigarh. (Group C).
24. Shashi Badhwar, retired, age 60 years, Wife of Sh. Jaspal Chand Badhwar, resident of House No.3439, Sector 40-D, Chandigarh (Group C).
25. Meena Kumari, ASO, age 57 years, wife of Sh. Manoj Kumar, resident of House No.491, Phase 7, Mohali.(Group C).
26. Simranjit Kaur, TGT (Maths), age 33 years, wife of Sh. Sukhpal Singh, resident of House No.644, Phase 6, Mohali. (Group C).
27. Rama Kant, Sub Staff, age 56 years, son of Sh. Shotey Lal, resident of House No. J 152, Colony No.4, Indl. Area, Phase-1, Chandigarh (Group C).

...APPLICANTS

VERSUS

1. Union of India through Secretary, Ministry of Human Resource Development, Shastri Bhawan, New Delhi.
2. Commissioner, Kendriya Vidyalaya Sangathan, Head Quarter, 18 Institutional Area, Saheed Jeet Singh Marg, New Delhi-16.
3. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office SCO 72-73, Sector 31-A, Chandigarh.
4. Principal, Kendriya Vidyalaya, Sector 80, Post Office, Sohana, S.A.S. Nagar, Mohali.

...RESPONDENTS

PRESENT: Sh. Kulwant Singh Jassal, counsel for the applicants.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. M.A. No.60/296/2018 has been filed under Rule 4(5)(a) of the C.A.T. (Procedure) Rules, 1987, seeking permission to allow the applicants to file joint petition. For the reasons stated therein, the same is allowed.
2. Present O.A. has been filed where applicants seek following relief:-

"8(a). Implement the OM 2 (37)E.II(B)/93 dated 13.10.1993, shall continue to be admissible further. The benefit of HRA equivalent to Chandigarh will be given w.e.f. 01.06.2011 and O.M. 2/22016-E.II(B) dated 03.02.2017 issued by the Department of expenditure, Ministry of Finance and the same was forwarded by the Kendriya Vidyalaya Sangathan, Vide letter No.F. No.110239/51/Cir./2016/KVS (Budget).
3. Learned counsel for the applicants vehemently argued that despite there being clarification dated 13.10.1993 issued by Govt. of India, that the employees of KVS working in Tri-City have been held entitled to draw HRA at the rates which are available/admissible to Central Govt. employees working in Chandigarh, respondents no.1 and 2 have not extended the benefit. He further argued that even KVS, New Delhi has also issued similar letter as Govt. of India on 13.04.2017.
4. He submitted that before approaching this Court, applicants have served representation dated 06.10.2017 followed by legal notice dated 24.11.2017 for the benefit which the applicants are claiming by way of this OA, but the same has not been answered by the respondents till date.
5. Issue notice. Sh. R. K. Sharma who represents K.V.S. is present in Court and accepts notice on their behalf.

6. Considering short prayer of the applicants which arose out of clarification issued by Govt. of India and office of K.V.S., New Delhi itself making employees working in KVS entitled to HRA at par with Central Govt. employees working in Chandigarh, the present petition is disposed of in limine with a direction to the respondents to take a call to decide the claim of the applicants in terms of clarification issued by Govt. of India and letter dated 13.04.2017 issued by office of KVS, New Delhi. Let the above exercise be carried out within a period of two months from the date of receipt of a certified copy of this order. Order so passed be duly communicated to the applicants. If applicants are held entitled for the benefit, then the same be released to them.
7. It may be noted here that despite there being clear instructions by Govt. of India by way of OM further clarification issued by the respondent department, applicants have been forced to knock the door of this Court for grant of benefit, for which they have already been held entitled. This conduct of the respondents cannot be appreciated as they have also not rejected their claim by any order. Without commenting further on their conduct, the O.A. is disposed of in the above terms.
8. Disposal of the OA in the above terms shall not be construed as an opinion on the merit of this case.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 27.02.2018.
Place: Chandigarh.

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