

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

OA 759/2019

This the 7th day of March, 2019

Hon'ble Mr. A.K. Bishnoi, Member (A)

Vinod Kumar Tyagi, Aged 61 years
S/o Late Sh. Basant Singh Tyagi, 'C'
Retired Assistant Section Officer, from
Kendriya Vidyalaya Sangathan.
R/o UU-79-C, IIInd Floor, Pitampura, Delhi-34

...Applicant

(By Advocate: Sh. Yogesh Sharma)

VERSUS

1. Kendriya Vidyalaya Sangathan
Through the Commissioner,
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi.
2. Joint Commissioner (Finance),
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi
3. The Assistant Comissioner(Establishment),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi. Respondents

ORDER (Oral)

The applicant was working as an Assistant Section Officer under the respondents Kendriya Vidyalaya Sangathan when he retired on superannuation on 31.10.2017. He has filed the present OA seeking the following reliefs:-

“(i) That the Hon’ble Tribunal may graciously be pleased to pass an order declaring to the effect that the whole action of the respondents refixing the pay of the applicant at the time of retirement only in service book and reduce the last of the applicant is totally illegal, arbitrary and against the law and consequently, pass an order directing the respondents to restore the pay of the applicant and also refund the recovered amount with interest.

(ii) That the Hon’ble Tribunal may graciously be pleased to pass an order directing the respondents to release the leave encashment and arrears of pay and allowances in respect of 7th CPC to the applicant immediately with interest @ 12% PA.

(iii) That the Hon’ble Tribunal may graciously be pleased to pass an order directing the respondents to restore the 3rd financial upgradation under MACP scheme w.e.f. 1.9.2008 in proper Grade Pay with all the consequential benefits.

(iv) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicant along with the costs of litigation.”

2. Learned counsel for the applicant submits that the applicant has made a representation on 01.08.2018 (Annexure A-3), regarding fixation of pension. However, respondents have not taken any decision on the same. Learned counsel for the applicant seeks liberty to submit a fresh representation also.

3. Under the circumstances, the OA is disposed of at this stage itself without going into the merits of the case by granting liberty to the applicant to file a fresh representation within two weeks. The respondents shall decide upon any fresh representation that may be filed and the representation already filed, within sixty days from the date of receipt of the fresh representation. If no such fresh representation is made, then the respondents shall decide the representation already filed (Annexure A/3)

within sixty days after the expiry of the period of two weeks from today, through a self-contained and speaking order. No costs.

(A.K. Bishnoi)
Member (A)

/ns/