

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

OA No. 2106/2016

This the 17th day of October, 2019

Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

Sh. Subodh Bhardwaj, Assistant, KVS (RO)
aged about 56 years
S/o late Dr. Ramesh Chandra Bhardwaj
R/o C-4-C/14/200, Janakpuri
New Delhi-110058. ... Applicant

(through Sh. Dinesh Kumar Tandon)

Versus

1. The Commissioner
Kendriya Vidyalaya Sangathan
18-Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110016.
2. The Additional Commissioner
Kendriya Vidyalaya Sangathan
18-Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110016.
3. The Joint Commissioner (Finance)
Kendriya Vidyalaya Sangathan
18-Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110016.
4. The Assistant Commissioner (Estt.)
Kendriya Vidyalaya Sangathan
18-Institutional Area
Shaheed Jeet Singh Marg

New Delhi-110016.

5. The Deputy Commissioner
Kendriya Vidyalaya Sangathan
Regional Office,
JNU Campus, New Delhi.

... Respondents

(through Sh. S. Rajappa)

ORDER (Oral)

Hon'ble Mr. S.N. Terdal:

Heard Sh. Dinesh Kumar Tandon, learned counsel for the applicant and Sh. S. Rajappa, learned counsel for the respondents.

2. The prayer in the OA is as follows:

(i) Quash the impugned pay fixation order dated 27-08-2015 and non-speaking recovery order dated 27-01-2016 and 10.05.2016 as contained in Annexure: A-1 and A-2 to this original application with all consequential benefits.

(ii) Direct the respondents to fix his salary in 3rd Up-gradation under MACP Scheme as per Office Order dated 28-05-2015 contained in Annexure No. A-11 to this original application on the basis of option submitted in Annexure No. A-12 on the basis of his fixation vide office order dated 01-08-2012.

(iii) May also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice.

3. At the time of hearing, learned counsel for the applicant strenuously contended that the impugned order dated 27.08.2015 is passed regarding pay fixation and consequently there are recovery orders dated 27.01.2016 and 10.05.2016 which are also passed without issuing any show cause notice. From a perusal of the record, it is clear that no show cause notices were issued.

4. Hence, the impugned orders dated 27.08.2015, 27.01.2016 and 10.05.2016 are set aside. However, the respondents are at liberty to pass orders as per law after issuing show cause notice and following the principles of natural justice as well as taking into account all the Government of India instructions on the subject. No order as to costs.

(A.K. Bishnoi)
Member (A)

(S.N.Terdal)
Member (J)

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