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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(S) No. 1037 of 2013**

Kendriya Vidyalaya Sangathan, Hqrs., 18,
Institutional Area Shahid Jeet Singh Marg,
New Delhi through Deputy Commissioner,
Kendriya Vidyalaya Sangathan Regional
Office, Raipur Kendriya Vidyalaya No.2,
Raipur Campus Sec-IV, Dindayal
Upadhyay Nagar P.S. Civil Lines Raipur
District Raipur (C.G.)

---- Petitioner

Versus

1. Swaminathan S. S/o Shri D. Sadasivam,
aged about 50 years, at present, R/O 751,
'A' Construction Colony, Bilaspur (C.G.)
2. Union of India, The Secretary, Ministry of
HRD, Shastri Bhawan, New Delhi
3. The Assistant Commissioner, Kendriya
Vidyalaya Sangathan GCF State, Jabalpur
(M.P)

---- Respondents

For Petitioners : Ms. Deepali Pandey, Advocate
For Respondent : None

Hon'ble The Acting Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Acting Chief Justice****05/03/2015**

1. Despite sufficient opportunities for appearance to Respondent No.1,
no one appears on his behalf and neither is he present in person.
2. We have heard learned Counsel for the petitioner.
3. Learned Counsel for the Petitioner submits that the Central
Administrative Tribunal, Jabalpur Bench, Circuit Sitting at Bilaspur, in
Original Application No.464/2008 dated 19-5-2011 has erred by directing

grant of pay-scale at Rs.5500-9000 under the ACP Scheme to Respondent No.1 from 9-8-1999. It is submitted that O.M. dated 9-8-1999 was issued by the Department of Personnel and Training, primarily applicable to Central Government Employees. Respondent No.1 had joined the Petitioner Institution, an autonomous body, on 27-1-1994. He was not an employee of the Central Government. The Petitioner by a resolution adopted O.M. dated 9-8-1999 with effect from 12-10-2000. Respondent No.1 is entitled to the benefits of the ACP Scheme from the latter date and not the former which may be available to employees working under the Central Government only. The Tribunal has erred in granting the benefit to Respondent No.1 from 9-8-1999 instead of 12-10-2000. No other issue has been urged for our consideration.

4. We have considered the submission. The Tribunal has opined that the order passed by the Madras Bench of the Tribunal in the earlier application filed by Respondent No.1 had attained finality after the writ petition filed against it had been withdrawn. We have gone through the earlier order in Original Application No.216/2004. No counter affidavit was filed on behalf of the Petitioner. The Tribunal in any event only noticed the claim of the Respondent No.1 that he fulfilled the conditions of O.M. dated 9-8-1999 for grant of ACP. Directions were issued to consider the representation within a period of three months. There was no direction by the Tribunal to grant ACP from any particular date. The benefit of the ACP Scheme has not been denied to Respondent No.1, but only that it had to be granted from the date that the Petitioner adopted the Scheme.

5. In conclusion, we find it difficult to uphold the impugned order granting the benefit of ACP Scheme to the Respondent No.1, an employee of the Petitioner, an autonomous organisation, from 9-8-1999. We hold that



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Respondent No.1 is entitled to the benefit of the same only from 12-10-2000.

6. The order under challenge is set aside. The writ petition is allowed.

Gopal

**Sd/-
Acting Chief Justice**

**Sd/-
P. Sam Koshy
Judge**