

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No.1533 of 2002

13

New Delhi, this the 6th day of March, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri A.P. Nagrath, Member (A)

Smt. A.P. Nanda, W/o Shri S.S. Nanda,  
Resident of 41, Maida Mohalla, Lal Kurti,  
Meerut Cantt. (U.P.).

....Applicant  
(By Advocate : Shri T.C. Aggarwal)

Versus

1. Commissioner,  
Kendriya Vidyalaya Sangathan (HQ),  
18, Institutional Area,  
Saheed Jeet Singh Margh,  
New Delhi-110016.

2. Assistant Commissioner  
(Dehradun Region)  
K.V.S. Sangathan, Salawala  
Nathi Barkala, Dehradun  
(Uttarakhand).

3. The Principal,  
Kendriya Vidyalaya,  
Dogra Lines, Meerut Cantt.

....Respondents

(By Advocate : Shri S. Rajappa)

ORDER (ORAL)

By Shri A.P. Nagrath, Member (A):

In this OA, the applicant has prayed for the following reliefs:-

"a) That applicant pay in the post of TGT be fixed under FR 22 (C) and fixation allowed from the date of next increment, i.e., 1.10.1978 - as already decided under rules and observation made by the Hon'ble Supreme Court in case UOI V. Ashok Kumar Banerjee 1998 SCC (L&S) 1277, copy with rejoinder.

b) That Respondents be given direction to step up the pay of the applicant with respect to Smt. D.K. Kohli and failing which with reference to Smt. Gashi Rani Gupta from the date of their promotion as TGT.

c) That Respondents be directed to give arrears of the difference of pay with interest

at 12% as given in similar cases as per the law laid down in para 5 (F) and (G).

(d) That further her pension be revised and arrears given with interest.

(e) That the Hon'ble Tribunal may pass any other order/direction as may be considered necessary for the redressal of the grievances of the applicant."

2. The facts are very brief and are not disputed and the controversy is short in the present case. The applicant was initially recruited as a Primary Teacher in the pay scale of Rs.330-560 and was promoted to the selection grade w.e.f. 1.10.1975. She was further promoted to the grade of Trained Graduate Teacher (TGT) in the pay scale of Rs.440-750 w.e.f. 1.8.1978 when her pay was fixed at Rs.550 + 20 (personal pay). One Smt. D.K. Kohli, who was initially appointed as a Primary Teacher in the same scale, was promoted as TGT on 1.8.1979 and her pay was fixed at Rs.625/- while the applicant, at that time, was drawing the pay of Rs.590/-. The pay of another junior Smt. Sashi Rani Gupta, who was promoted as TGT on 29.8.1982, was fixed at Rs.675/- at which time the applicant was drawing the pay of Rs.650/-. The claim of the applicant for stepping up of her pay had been rejected vide impugned order dated 13.7.2001.

3. Heard Shri T.C. Aggarwal, learned counsel for the applicant and Shri S. Rajappa, learned counsel for the respondents and perused the records.

4. The only ground on which the claim of the applicant is being denied by the respondents is that

(13)

while the applicant was granted the selection grade notionally while she was already working as a TGT, the other persons, namely, Smt. Sashi Rani Gupta and Smt. D.K. Kohli were promoted to the posts of TGT while they were already working in the selection grade. The plea of the respondents is that since the benefits of the selection grade to the applicant was given only on notional basis, she is not entitled to her pay fixation as TGT with respect to the pay of selection grade.

5. We find no substance in the justification sought to be provided by the respondents. Once the notional promotion has been given and notional pay has been fixed, there is no other way but to fix the pay in the next higher grade with respect to such a notional pay in the lower grade. We are of the considered view that the applicant is fully entitled to have her pay fixation as TGT, worked out under the relevant rules with respect to her pay in the selection grade, which she was drawing on 1.8.1978.

6. The other relief claimed by the applicant is that her pay should be fixed under the provisions of FR 22 (C), which is now revised to FR 22 (1) (a) (i). Regarding applicability of FR 22 (C), the respondents have remained silent in their reply. The applicant had reiterated this ground even in her rejoinder and it is also stated that the pay of her juniors, on their promotion as TGTs, has been fixed under the



(16)

provisions of FR 22 (C). There can be no doubt that the pay of an employee is required to be fixed under the relevant rules applicable and there can be no discrimination between the employees similarly placed.

7. For the reasons aforesaid, this OA succeeds and the same is allowed. It is directed that the applicant shall be entitled to stepping up of her pay in the same manner, as has been done in the cases of Smt. D.K. Kohli and other juniors. The applicant is also entitled to the arrears, which are directed to be paid to her within three months from the date of receipt of a certified copy of the present order. If the respondents fail to make the payment within the aforesaid period of three months, the applicant would be entitled to interest at the rate of 8%. No costs.

*Nagrath*  
(A.P. Nagrath)  
Member (A)

*Aggarwal*  
(V.S. Aggarwal)  
Chairman

/ravi/