

Central Administrative Tribunal
Principal Bench

O.A. No. 1965 of 1999

New Delhi, dated this the 9th October, 2001

(22)

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

S/Shri

1. R.N. Singh,
S/o Shri A.R. Singh,
P.G.T. (Retd.),
R/o 1/4926, Gali No. 7,
Balbir Nagar Extension,
Delhi.
2. Birham Singh
3. S.N. Awasthi
4. Surendra Pal Singh
5. Raj Kumar Verma .. Applicants

(By Advocate: Shri B.S. Mainee)

Versus

Union of India through

1. The Secretary,
Ministry of Human Resources Development,
Dept. of Education,
Shastri Bhawan,
New Delhi.
2. The Lt. Governor,
Govt. of NCT of Delhi,
Raj Niwas, Delhi.
3. The Chief Secretary,
Govt. of NCT of Delhi,
5, Shyam Nath Marg,
Delhi.
4. The Director of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi. .. Respondents

(By Advocate: Shri Ajesh Luthra)

ORDER

S.R. ADIGE, VC (A)

Applicants impugn five orders, all dated
24.8.99 (Ann. A-1 Colly.) passed by respondents

2

(23)

withdrawing retrospectively the senior scale of PGT (Rs.2000-3500) granted to them w.e.f. 1.3.87 but stating that no recoveries on account of over payment would be made from them.

2. Applicants had earlier filed O.A. No. 196/97 claiming the same relief. That O.A. along with connected O.As was disposed of by order dated 13.8.98. By that order, the O.As were allowed and the impugned orders retrospectively withdrawing the senior scale of PGT (Rs.2000-3500) granted to applicants w.e.f. 1.3.87 were quashed as applicants had not been put to notice before issue of those orders. Respondents were, however, given liberty to initiate such action as they were advised in accordance with law, subject to the same not being in conflict with the various decisions cited in the body of the order dated 13.8.98.

3. Pursuant to the aforesaid order dated 13.8.98, respondents issued show cause notice to applicants and upon consideration of their reply have issued the order dated 24.8.99 which are now impugned.

4. Admittedly applicants were appointed initially as TGTs in the scale of Rs.440-750 and at that time the scale of PGT was Rs.550-900 to which TGTs could be promoted. In 1971 selection grade was introduced in favour of TGTs and PGTs. This selection grade was admissible equal to 15% of the permanent

post of teachers in the cadre and was awarded to senior most teachers, subject to seniority and fitness. As per those orders selection grade for TGT was Rs.550-700 and for PGTs it was Rs.600-800. By order dated 29.3.75 these grades were further revised w.e.f. 1.1.73 to Rs.740-880 for TGT and Rs.775-1000 for PGTs.

(24)

5. Applicants have not denied in rejoinder, the specific averments of respondents in Para 4.3 of their reply, that by order dated 12.8.87 the pay scale of school teachers were revised w.e.f. 1.1.86 as per chart below:

| | | |
|----|---|---------------|
| a) | TGTs/Head Master of Primary Schools | Rs.1400-2600 |
| | Sr. Scale after 12 years | Rs. 1640-2900 |
| | Selection Scale (after 12 years in Sr. Scale and attainment of qualifications laid down for PGTs) | Rs. 2000-3500 |
| b) | PGTs/HMs of Middle Schools | Rs.1640-2900 |
| | Sr. Scale after 12 years | Rs.2000-3500. |
| | Selection Scale (after 12 years in Sr. Scale) | Rs.2200-4000. |

6. From Para (b) of the above chart, which has not been denied by applicants it is clear that senior scale of Rs.2000-3500 to a PGT was admissible to them only after completing 12 years service as PGT, and similarly selection scale of Rs.2200-4000 to a PGT is admissible after 12 years in Sr. Scale as a PGT.

(25)

7. As applicants were admittedly promoted as PGTs in 1981-83, manifestly they could not have been granted Sr. Scale as PGTs w.e.f. 1.3.87.

8. As the impugned orders have been passed after putting applicants to notice pursuant to the Tribunal's order dated 13.8.98 respondents cannot be faulted for issuing the impugned orders.

9. The O.A. is dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

karthik

S.R. Adige

(S.R. Adige)
Vice Chairman (A)