

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO. 1459 OF 1998
MA No. 1564 of 1998

NEW DELHI, THIS THE 12th DAY OF DECEMBER, 2000.

HON'BLE MR.V.K. MAJOTRA, MEMBER (A)
HON'BLE MR.SHANKAR RAJU, MEMBER (J)

1. Ved Pal Khare S/o Shri
Dharam Singh Khare R/o
Vill & P.O. Rani Khera
Delhi.
2. Ved Pal S/o Shri Shiv
Karan, R/o Vill & P.O.
Singh Pura Khurd Distt.
Rohtak (Haryana)
3. Shamsheer Singh Tehlan S/o
Shri Tara Chand Tehlan
Vill & P.O. Lohar Heri
Via- Sampla Distt -
Rohtak (Haryana)
4. Laxmi Narain Chauhan S/o
Shri Zile Singh R/o G.B.
Sr. Secondary School,
S.P. Road, Nangaloi, New
Delhi - 41.
5. Dev Dutt Sharma S/o Shri
Pitamber Sharma, R/o -
B-637, Avantika Rohini
Sector-1, Delhi.
6. Sunil Kumar Bector S/o
Shri Harbans Lal Bector
R/o Govt Boys Sr. Sec.
School B.C. Block,
Sutanpuri, Delhi.
7. Hari Kishan S/o Shri
Chander Dev, R/o Vill &
P.O. Kharawar, Rohtak
(Haryana)
8. Ram Kishan S/o Shri
Hoshier Singh, R/O 31/C,
M Park, P. Bagh, New
Delhi-26.
9. Mahavir Singh, S/o Shri
Chhotu Ram R/O G.B. Sr.
Sec. School, Mundka,
New Delhi.
10. Smt. Shakuntala Devi W/o
Shri Prem singh R/o B-52,
Swarn Park, Mundka, Delhi
- 41.

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11. Kamlesh Sharma, W/o Shri Balkishan Sharma Working at - Govt Co-ed Secondary School-1, Punjabi Bagh Basti, Nangloi, New Delhi- 41
(By Advocate: Shri U Srivastava) Applicants

Versus

National Capital Territory of Delhi Through

1. The Secretary, 5, Sham Nath Marg, Old Secretariat, New Delhi.
2. The Director of Education, Directorate of Education, Delhi Administration, Old Secretariat New Delhi.
3. The Dy. Controller of Accounts, Govt of N.C.T. Delhi, Director of Education Pension Branch, Old Secretariat, New Delhi.

(By Advocate: Shri Vijay Pandita) Respondents

ORDER (O R A L)

By Hon'ble Mr. V.K.Majotra, Member(A)

MA No. 1564/98 filed by the applicants for joining together is allowed.

2. The applicants, who are MCD teachers, joined the respondents department, i.e., Directorate of Education, Respondent No.2 after 1.1.1996 (on promotion) in the entry scale i.e. 1400-40-1600-50-2300-60-2600. According to the applicants, when they had opted to join NCT Delhi, they were already working in the senior scale Rs.1400-2600. They have stated that after completion of about two years' of service, the respondents have fixed their salary at par with the MCD. After they have rendered two years of service with the respondents in the year 1998, the respondents are resorting to fix scale at par with MCD scale, arbitrarily. The applicants have sought fixation of

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their pay scale in the pay-scale of Rs. 5500-175-9000/-(revised) and not in the scale of MCD teachers, i.e., 5500-150-8000/- with consequential benefits. Although, the respondents had contradicted the claims of the applicants, in their additional affidavit they have admitted that from the date of entry/ joining as TGT in the Directorate of Education, applicant's pay was required to be fixed as TGT in scale of Rs.1400-2600(Pre-revised). This scale was revised by the 5th Central Pay Commission to 5500-175-9000 w.e.f. 1.1.96. The pay scale of Rs.5500-175-9000 is being given to the Direct Recruits after 1.1.96. Arrears of pay were required to be paid by MCD w.e.f. 1.1.96 to the date preceding date of joining/ entry in Directorate of Education. (Annexure-1)

3. In view of the facts stated in the additional affidavit of the respondents that the applicants should have been accorded the revised pay-scale of TGT i.e. 5500-175-9000/- w.e.f. date of joining/ entry in the Directorate of Education with consequential benefits, the OA is disposed of with the directions to the respondents to accord the pay-scale of TGTs (Rs.5500-175-9000) with effect from the date of their joining/entry in the Directorate of Education after 1.1.1996 when the aforesaid scale became operational. The order dated 27.3.98 (A-1) is hereby quashed and set-aside. The compliance of above directions shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Mr. Shankar Raju)
MEMBER (J)

V. K. Majotra
(Mr. V.K. Majotra)
MEMBER (A)