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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

U.A. No. 1669/88
M.P. No. 1729/88

New Delhi this the 18th day of November, 1993

Shri Brij Nath Singh,
S/o Shri Chhatter Singh,
TGT (Sc.B)
Govt. Boys Sr. Secondary School,
Kalanpuri,
Delhi-110 091

Shri Sewa Ram,
S/o Shri Daya Ram,
TGT (Genl.)
Govt. Boys Sr. Secondary School,
Kalanpuri,
Delhi-110 091,
(By Advocate None)

... Petitioners

Vs.

Union of India through
the Secretary,
Ministry of Human Resources Development,
Dept. of Education,
Govt. of India,
New Delhi.

Delhi Administration
through the Chief Secretary,
5 Alipore Road,
Delhi.

Director,
Directorate of Education,
Delhi Administration,
Old Secretariate,
Delhi.
(By Advocate Ms. Meera Chhiber Proxy
Counsel)

... Respondents

ORDER (Oral)

Hon'ble Mr. J.P. Sharma, Member (J)

The applicants joined together in this application under Section 19 of the Administrative Tribunals Act, 1985 while they were working as TGT in the Govt. Boys Sr. Secondary School, Kalanpuri. The applicants are aggrieved by the order dated 12.8.1987 issued by the Ministry of Human Resources and Development (in fact the CM is dated 3.11.1987). The grievance of the applicants is that they were appointed TGT in the Education Department of Delhi Administration in the year 1980. They were subsequently permitted to the

selection grade TGT. They have been reverted back to the TGT without assigning any reason. The relief claimed by the applicants is:

1. The respondents be directed to re-fix the pay of the applicants in Selection Grade of Rs. 2000-3500 and consequential benefits be paid alongwith 18% interest and further the conditions of the TGT acquiring his qualification laid down for P.G.T. should be quashed.

The case was admitted on 28.13.1986. After hearing the learned counsel Shri D.C. Choudhry, counsel for the applicant and Shri B.R. Prashar, Counsel for the respondent, the case was listed today for hearing and none appeared for the applicants. Mrs. Meera Chhibber appeared as Proxy for the respondents. Since this is of an old matter we are disposing of this case on the basis of the pleadings on records and after getting assistance from the learned proxy counsel for the respondents.

The short point in controversy is that subsequent to the recommendation of the Fourth Pay Commission one more pay scale was introduced to the TGT named as Senior scale and this scale was given after 12 years of regular service as TGT and before the grant of the selection grade, TGT. The recommendations of the Pay Commission were accepted and a clarification was issued by the respondents on 3rd November, 1987. The applicants were holding the selection grade TGT post and were drawing salary in the pre-revised scale before the implementation of the report of the Fourth Pay Commission. However, after the implementation of the Fourth Pay Commission report the pay of the applicants was fixed in the revised scale of Rs. 1640-2900. In the Fourth Pay Commission recommendation selection grade is provided in TGT after 12 years in the senior scale and also attainment of qualifications laid down for PGT and the scale

is Rs. 2000-3500. The applicants therefore prayed that they should be given this scale and the requirements of attaining qualification laid down for PGT be waived.

The respondents in the reply opposed the grant of the relief and stated that selection grade is not a promotion and it is only available to those employees for giving benefit of not stagnating. No higher responsibilities or duties are thrust upon them. It is further stated that those teachers who are in the selection grade were given senior scale without the condition of 12 years which is applicable for persons who become eligible or after 1.1.1986. The senior scale is Rs. 1640-2900 while the ordinary scale of TGT is Rs. 1400-2600. The applicants have been given the benefits of the senior scale which is equivalent to pre-revised selection grade though the petitioners are not eligible for that scale. The recommendations of the Fourth Pay Commission, the 3rd scale nomenclature in each category is selection grade. Thus, it is stated that the applicants have no case and the application is mis-conceived.

We have considered the matter on the basis of the pleadings and after hearing the learned counsel for the respondents. The applicants cannot be put directly in the selection grade as they have drawn wrong analogy of the selection grade of the pre-revised scale. The pre-revised pay scale in TGT grade were Rs. 440-750 and selection grade Rs. 440-880. In the revised pay scale now three scales of TGT have been provided:

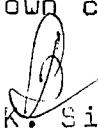
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| TGT | 1400-2600 |
| Sr. Scale after 12 years | 1640-2900 |
| Selection Grade after 12 years in sr. School | 2000-3500 |

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Merely because the applicants were in the selection grade in the pre-revised scale will not give them any right to claim the third scale of selection Grade TGT (Rs.2000-3500). This scale is gained on the basis of length of service in the Senior Scale of Rs. 1640-2900 which is also earned by a TGT after working for 12 years in the ordinary school of Rs. 1400-2600. The applicant No. 1 was appointed in 1980 and applicant No. 2 in November, 1979. Taking the recommendations of the Fourth Pay Commission as accepted by the Government and clarified in the impugned OM dated 3.11.1987, the applicant cannot claim that length of service by which they can be granted selection grade TGT on 1.1.1986.

Regarding the other relief for the grant of the selection grade TGT the incumbent must have qualification laid down for PGT. We do not find any reason to interfere. If a person wants career prospects, he has also to show ability by acquisition of further qualifications so that he may be more useful and efficient for the job assigned to him. This cannot be said to be an arbitrary profession. It will inculcate more incentive for attaining academic qualifications for better discharge of duties with increasing pay and emoluments.

We do not find, therefore, any merit in the application and dismiss the application. Parties to bear their own costs.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (A)

Mittal