

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A.NO./170/92
T.A.NO.

DATE OF DECISION 27.4.2000

Mrs. V.K.Giriya Panicker w/o **Petitioner**
C.K.G.Panicker

Mr. A.L.Sharma **Advocate for the Petitioner [s]**
Versus

Union of India & another **Respondent**

Mr. R.M.Vin **Advocate for the Respondent [s]**

CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman

The Hon'ble Mr. A. S. Sanghavi, Member (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

Mrs. V.K.Girija Panicker w/o
Shri C.K.G.Panicker
aged 50 years Headmistress Rly.Primary School
(Eng.Med.)VALSAD- 59600 R/
Bunglow No.L/297
West Yard Rly. Colony, Valsad. Applicant

-Advocate: Mr. A.L.Sharma-

Versus

1. Union of India through

The General Manager, W.Rly.
Churchgate, Bombay.

2. The President Rly. Schools &
Sr.DPO W.Rly. Divisional Office,
Bombay central.

Respondents.

- Advocate: Mr. R.M.Vin-

ORAL ORDER

IN

Dated 27.4.2000

O.A./170/1992

Per Hon'ble Mr. V. Ramakrishnan, Vice Chairman:

We have heard Mr. A.L.Sharma for the applicant and Mr. Vin for the respondents. The applicant who was working as a Teacher in the Railway School has approached the Tribunal for grant of pay in the senior grade of Rs.1640-2900 w.e.f. 30.4.90 with arrears of salary and allowances etc.

2. The applicant was engaged as an Assistant Teacher in 1972. She became Headmistress of the Primary School and was confirmed as such w.e.f.

1.5.78. The post of Head Mistress of the Primary School ~~and was~~ initially carried the pre-revised scale of Rs.425-640. This was subsequently upgraded to the level of 440-750 w.e.f. 5th September,1982. There was a further revision of pay of School teachers working in the Railway Schools and we see from the Railway Board's letter dated 11.1.1988 along with its enclosures - Annexure R-3 that the basic grade of Trained Graduate Teacher/Headmistress of Primary School etc. is 1400-2600 and they are eligible to be considered for the senior grade in the scale of 1640-2900 after 12 years of service in the basic grade. ~~This~~ This has been contended by Respondents to mean that the pre-revised scale of Rs.440-750 which was given only from 5.9.82 would be the basic grade and that the eligibility will arise only from 5th September 1982 onwards.

3. Mr. Sharma for the applicant submits that the applicant had been appointed regularly to the post of Headmistress of the Primary school and she has been occupying that post and she completed 12 years of that service at that level on 20.4.90. He also refers to the circular issued by the Railway Board vide their letter dated 26.2.89 circular No.3 read with circular No.10. According to him this would show that the service in the scale of 425-640 also

should be reckoned for the purpose of counting 12 years for eligibility to be appointed to the senior pay scale.

4. Mr. Vin for the respondents draws attention to the reply statement and says that the applicant's eligibility for senior scale would arise only from 5.9.94 onwards and not earlier.

5. We have considered the rival contentions. We find from the circular of the Railway board of 11.1.88 with its enclosures referred to earlier that the basic grade of Headmaster/Headmistress of the Primary School is 1400-2600 in the revised scale. Mr. Vin also says that subsequently the applicant is appointed as Headmistress of a composite school w.e.f. 1992 comprising primary and secondary standards and prior to September 1994. The basic grade is shown as 1400-2600 and the person would ^{be} eligible for getting the senior grade of 1640-2900 only after 12 years of service in the basic grade. As the revised scale of 1400-2600 took effect only from 1.1.86 we have to examine what would be the basic grade in the pre-revised scale for the purpose of eligibility. We find that the Fourth Pay Commission had recommended the scale of Rs.1400-2300 for the pre-revised scale of Rs.425-640 and that only the scale of Rs.440-750 was given the revised scale of Rs.1400-2600. It is therefore clear that the basic grade before revision w.e.f. 1.1.86 cannot be the pre-revised scale of 425-640 but can only be the pre-revised scale of ⁴⁴⁰⁻⁷⁵⁰ ~~425-750~~ which

would be admissible from 5.9.82 onwards. We cannot enlarge the definition of the basic grade to include the pre-revised scale of Rs.425-640 which got re-fixed to the scale of Rs.1400-2300 which is lower than the basic grade of 1400-2600 shown in the circular of the Railways.

6. Mr. Sharma has relied upon the Circular of the Railway dated 22.6.89 (Annexure R-4) at para 3 and 10. We may reproduce point 10 and point 3 with the query and reply:

"	Point	Clarification
3.	Whether the service rendered by TGT & PGT as Head Master/Head Mistress of Primary schools and Middle Schools respectively may be taken into account for grant of senior grade, as they have been equated with TGT & PGTs and it is necessary for Head Masters/Head Mistresses to have the same academic qualifications as prescribed for the teaching post with which they have been equated.	Yes.
10.	Whether the period of 12 years of service in respect of Head Masters/ Head Mistresses of Primary Schools towards grant of senior grade will also be counted from 5.9.82?	Please see the clarification given against item 3 above. "

6m
The answer to the query does not bring out that services rendered prior to 5.9.82 can be included for reckoning eligibility for grant of Senior grade.

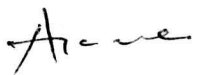
Its purpose is to show that ^{the} the basic grade of 1400-2600 in the revised pay structure took effect only from 1.1.86. The period of service of twelve years need not be restricted only from 1.1.86 onwards and that the service rendered in the corresponding pre-revised scale can also be included for reckoning eligibility. In other words service rendered in the pre-revised scale of 440-750 can also be included for appointment to the senior grade. This cannot be interpreted to mean that the services rendered in the lower scale of 425-640 would also count for the purpose of eligibility/appointment to the senior grade of 1640-2900 as admissible to Headmistress of the Primary School.

6. We therefore hold that the relief sought for namely that she should get the senior grade of Rs.1640-2900 w.e.f. 30.4.1990, can not be granted.

7. Mr. Sharma points out that the applicant has not been given the higher scale of Rs-1640-2900 even from 5.9.94. He refers in this connection to the letter dated 6.9.90 as at Annexure A-1 and also the memorandum dated 27.9.93 which promotes the applicant to officiate as T.G.T. in the scale of Rs.1400-2600. He says that the applicant in any case is eligible to be considered for the grade of Rs.1640-2900 which is a senior grade for the Head-Mistress of the Primary

School. Mr. Vin is not able to throw light as to why the applicant's claim for being considered for the senior grade as a Primary School Head-Mistress has not been dealt with, ^{even with effect from 5.9.94.} In the absence of any clarification or valid reason as brought out by the Railways for not considering the applicant for the senior grade of Rs.1640-2900, we direct the Railway administration to consider her for the grade of Rs.1640-2900 and if she is found eligible her pay should be fixed in the higher scale w.e.f. the relevant date with financial benefits. The whole exercise should be completed within three months from the date of receipt of this order. ^{a copy V}

9. With the above direction the O.A. is finally disposed of with no orders as to costs.


(A.S. Sanghavi)
Member (J)


(V. Ramakrishnan)
Vice Chairman

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