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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 315 of 1987.

Date of decision ~~is~~ December 23, 1988.

Radhanath Tripathy, aged about 41 years,
son of late Mahadev Tripathy,
at present working as Headmaster,
M.V.9 Middle English School,
Dandakaranya Project, At-M.V.-9,
Malkangiri, District-Koraput. ...

Applicant.

Versus

1. Union of India, represented by its
Secretary, Department of Home Affairs,
Rehabilitation Division, Jaisalmer House,
Mansingh Road, New Delhi.

2. Chief Administrator,
Dandakaranya Project,
At/P.O. & Dist-Koraput.

3. Executive Officer,
Dandakaranya Project,
At, P.O. Malkangiri,
District-Koraput. ...

Respondents.

For the applicant ... M/s. Devanand Misra,
Deepak Misra, Advocates.

For the respondents ... Mr. Tahali Dalai, Addl. Standing
Counsel (Central)
Mr. A. B. Mishra, Sr. Standing Counsel
(Central)

C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? ~~if~~
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to direct the respondents to grant the applicant the senior pay scale of Rs.2000-3500/- as contemplated in Annexure-2 with effect from 4.7.1987.

2. Shortly stated, the case of the applicant is that he has been functioning as ~~the~~ Headmaster in various Middle English Schools under the Dandakaranya Project and has been treated as ~~the~~ Headmaster in Middle English School since 3.7.1975. As per the recommendations of the Third Pay Commission the applicant has been granted the pay scale as contemplated for the Headmaster i.e. Rs.550-900/- with effect from 3.7.1975. The applicant now claims the pay scale prescribed by the Chattopadhyaya Commission namely, Headmaster of Middle English School on a pay scale of Rs.1640-2900 and so also the senior scale i.e. Rs.2000-3500/-.

3. In their counter, the respondents maintained that the Chattopadhyaya Commission report is not applicable to the case of the present applicant because the recommendations of the Chattopadhyaya Commission is confined to the Union Territories and furthermore it is maintained by the respondents that the Chattopadhyaya Commission report not yet having been accepted by the Government of India, the applicant has no case at all to claim the pay scale recommended by the said Commission and therefore, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and learned Additional Standing Counsel (Central), Mr. Tahali Dalai at some length. It was contended on behalf of the applicant that the Chattopadhyaya Commission having recommended the pay scale of Rs. 2000-3500/- for the senior scale of Headmaster of Middle English School the applicant having been fitted into the grade of Headmaster is entitled to a pay scale of Rs. 2000-3500/- This argument was sought to be repudiated by learned Additional Standing Counsel (Central), Mr. Tahali Dalai on the ground that the recommendations of the Chattopadhyaya Commission have no application to teachers other than the Union Territories and in support thereof learned Addl. Standing Counsel (Central) relied upon Annexure-2 which is a letter issued by the Ministry of Human Resources Development (Government of India) addressed to the Chief Secretary, Delhi Administration, Delhi; The Chief Commissioner, Andaman & Nicobar Administration, Port Blair; The Administrator, Union Territory of Lakshadweep; The Chief Secretary, Government of Pondicherry; the Administrator, Union Territory of Daman & Diu and the Administrator, Dadra and Nagar Haveli Administration. In paragraph 2 of the said letter it is stated as follows :

" In partial modification of Finance Ministry's Notifications No. F.15(1)-IC/86 dated 13th September, 1986 and 22nd September, 1986, by which replacement scales were given to school teachers, it has now been decided that the revised pay scales of school teachers in all Union Territories (emphasis is ours) (except Chandigarh) including Government aided schools and organisations like Kendriya Vodyalaya Sangathan and Central

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Tibetan Schools Administration etc. will be as under xx ."

5. In the context of the aforesaid clarification issued by the Ministry of Human Resources and Development, vide Annexure-2 we are inclined to hold that there is considerable force in the contention of learned Addl. Standing Counsel (Central) that the revision of the pay scale as per the Chattopadhyaya Commission applies only to teachers in the Union Territories . Though, Mr. Deepak Misra submitted that such pay scale has been extended to the teachers serving in places other than Union Territories yet no evidence could be placed before us to support this contention and therefore we are of opinion that the pay scale recommended by the Chattopadhyaya Commission is confined to the teachers serving in the Union Territories and none else. The very same view has been taken by the learned Single Judge of this Bench in O.A.327 of 1987 disposed of on 30th November, 1988 and we are of opinion that the view taken by learned Single Judge is reasonable.

6. In the circumstances stated above, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

*Leas Crys
23.12.88*

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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.

*.....
23.12.88
Vice-Chairman*

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 23, 1988/S. Sarangi.