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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.260/00498 OF 2015

Cuttack, this the 19th Day of August, 2015

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

HON'BLE MR. R. C. MISRA, MEMBER (ADMN.)

Smt. Mamata Mishra, Aged about 47 years, W/o. Subrat Mishra, AT-251/1, Lane-12, Jagannath Vihar, Baramunda, Bhubaneswar-751003, presently working as Primary Teacher, Kendriya Vidyalaya-Khurda Road, At/Po/Dist-Khurda.

...Applicant

(By Advocates: M/s D.P. Dhalasamant, N.M. Rout, Arindam)

-VERSUS-

Union of India represented through

1. Secretary,
Ministry of HRD, Govt. of India,
127-C, Shastri Bhawan,
New Delhi-110001
2. Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Saheed Jeet Singh Marg,
New Delhi-110016.
3. Deputy Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office at Pragati Vihar,
Mancheswar, Bhubaneswar,
Dist-Khurda-751017.
4. Principal,
Kendriya Vidyalaya, Khurda Road,
At/PO-Jatni, Dist-Khurda
5. Superintendent of Police,
Central Bureau of Investigation,
Odisha Branch, Nayapalli, Unit-8,
Bhubaneswar, Dist-Khurda.

..... Respondents

(By Advocates: Mr. M.R. Mohanty & Mr. J. Sahoo)



ORDER (Oral)

A.K. PATNAIK, MEMBER (J):

Applicant presently working as Primary Teacher, Kendriya Vidyalaya No.II, Cuttack has approached this Tribunal seeking the following relief:-

“...Direction be issued to the Respondents particularly Respondent No. 3 to grant senior scale of pay to the applicant w.e.f. 06.12.2005 with all consequential benefits.”

2. It is the case of the applicant that on being selected through a regular process of selection, she joined as a Primary Teacher on 06.12.1993 in Kendriya Vidyalaya. According to applicant, on completion of 12 years of service though persons similarly situated were granted senior scale of pay, but, the same was not granted to her, on the ground that the DPC held on 26.06.2006 and 28.06.2006 observed that a CBI case is pending against her. Again the applicant submitted a representation dated 18.09.2014 to the Deputy Commissioner, Kendriya Sangathan (Respondent No.3) ventilating her grievance that there being no disciplinary proceeding pending against her, she should be granted senior scale of pay with effect from the date that is due.

3. Heard Sri D.P. Dhalsamant, Ld. Counsel appearing for the applicant, Sri J. Sahoo, Ld. Counsel appearing for Respondent Nos.2 & 4 and Sri M.R. Mohanty, Ld. Counsel appearing for Respondent Nos.1 & 5 on the question of admission. During the course of hearing, learned counsel for the applicant brought to our notice the decisions of this Tribunal dated 06.02.2013 and 23.07.2015 in O.A. Nos.246/2011 and 941/2012 respectively and submitted that the applicant being similarly placed person like the applicants in the above said O.As, similar order be issued in this case.



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4. We have considered the submissions made by the learned counsel for both the sides and have also gone through the decisions cited supra. Since a representation is pending consideration, without expressing any opinion on the merit of the matter, we would direct the Deputy Commissioner, KVS (Respondent No.3) to consider and dispose of the said representation, and pass a reasoned order and communicate it to the applicant within a period of sixty days from the date of receipt of this order. While considering the representation as aforesaid, Respondent No.2 may also take into account regarding applicability of the decisions of this Tribunal in O.A. Nos.246/2011 and 941/2012 to the case of the applicant in the matter of equal treatment.

5. It is however, made clear that if the applicant is found eligible to get the benefit of higher pay scale with effect from the date that is due to her, the same may be granted within a further period of sixty days from the date of receipt of this order.

6. With the above observation & direction the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. D.P. Dhalsamant, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent No. 2 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 24.08.2015.


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)