

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.180/2011

Jodhpur this the 30th day of October, 2013

CORAM

**Hon'ble Mr. Justice Kailash Chandra Joshi, Member (J),
Hon'ble Ms. Meenakshi Hooja, Member (A)**

N.R. Ghanchi S/o Shri Mansa Ram, by caste Ghanchi, aged about 37 years, R/o Quarter No.C-3, K.V.S. Staff Colony, K.V.No.1, Army, Jodhpur. (Post T.G.T. (Sci.) under respondent No.3.

.....Applicant

Mr. B.L. Bishnoi, counsel for applicant.

Versus

1. Commissioner, Kendriya Vidyalaya Sangathan, Head Quarter, 18-Institutional Area, Saheed Jeet Singh Marg, New Delhi-110 016.
2. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office Jaipur, 92-Bajaj Nagar, Gandhi Nagar Marg, Jaipur (Raj.).
3. Principal, Kendriya Vidyalaya No.1 (Army), Jodhpur, Army Area, Banar Road, Jodhpur.

.....Respondents

None for respondents.

ORDER (Oral)

Per Justice K.C. Joshi, Member (J)

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act for quashing and setting aside the impugned orders at Annexure-A/1 & A/2 and also for issuing direction to the respondents to not to recover any money from the applicant and treat all the T.G.T's equally irrespective of subject in granting the pay and allowance.

5

2. The short facts of the case as averred by the applicant are that the applicant was appointed as T.G.T. (Sci) in Kendriya Vidyalaya Sangathan in pre-revised pay scale of Rs.5500-175-9000 and this pay band was applicable to all the T.G.T. irrespective of subject. Subsequently, in pursuance to the Sixth Pay Commission the pay of the applicant was revised and his pay was fixed at Rs.15,810/-. After implementation of Sixth Pay Commission, statement of fixation of pay under Central Civil Service (Revised pay) Rule 2008 was called from the concerning Principal of the teachers. The respondent No.3 has submitted the statement of fixation of pay in respect of the applicant, which was accepted by respondent No.2 and pay of the applicant was revised at the Rs.17,140/-. But later on this fixation was withdrawn by the respondents and it was ordered to recover the arrear paid to the applicant earlier and the respondent department has differentiated the TGT subject wise. Being aggrieved of that, the applicant submitted a representation dated 28.05.2011 (Annexure-A/5) and submitted that why are TGT differentiated subject wise and further since they join on the same basic pay than why do the Junior's TGT get more payment than the senior's. Thus, this OA has been filed by the applicant.

3. The respondents by way of reply averred that the Kendriya Vidyalaya Sangathan, being an autonomous body has its own rules and regulations and the pay-fixation under the CCS (RP) Rules, 2008 were made applicable to all the employees of Kendriya Vidyalaya Sangathan. It has been further averred that maintaining the seniority subject wise has an underlying reason and logic

keeping in view the future prospects of promotion since a teacher of a particular subject will be promoted in the same stream/subject. Therefore the grievance raised by the applicant by equating his case to that of a junior Trained Graduate Teacher of a different subject for the purpose of pay fixation/stepping up of pay is absolutely baseless. It has been further averred in the reply that the Courts would interfere with the administrative decisions pertaining to pay fixation and pay parity as well as the date from which the revised pay scales would be made applicable only in case it is found that such a decision is unreasonable, unjust and prejudicial to a section of the employees.

4. In rejoinder, the applicant while reiterating the same facts has averred that according to the advertisement for inviting the application for direct recruitment on the post of TGT shows that TGT is a group in itself and for which there cannot be a discrimination in pay and allowances and only for the future promotion, a seniority is prepared subject wise and after getting promotion they become PGT, thereafter they are in different group.


5. The applicant also filed an additional affidavit and enclosed the All-India Seniority List in respect of Trained Graduate Teachers upto 01.04.2011 irrespective of subject.

6. Heard counsel for the applicant and also perused the records. During the course of arguments, counsel for the applicant contended that a detailed representation was filed by the applicant

but no heed was paid by the respondents and without deciding the representation at Annexure-A/5, the impugned order for recovery of the amount has been passed by the respondent department.

7. In view of the fact that the applicant has filed a detailed representation on 28.03.2011 and the OA was filed on 24.06.2011, and till today the representation filed by the applicant has not yet been decided by the respondents. Therefore, in view of this fact, we are proposing to dispose of this OA with certain directions.

8. Accordingly the OA is disposed of with the direction to the respondents to decide the representation dated 28.03.2011 (Annexure-A/5) of the applicant within a period of four months from the date of this order, and further they are directed to pass well reasoned speaking order in the light of the judgment of the Hon'ble Rajasthan High Court in the case of *Alam Ali v. State of Rajasthan & Ors.*, reported in RLR 2000 (2) 721. After the decision of the representation, if any grievance remains with the applicant, he can approach this Tribunal again. It is further directed that no payment shall be recovered from the applicant in pursuance to impugned order dated 23.05.2011 (Annexure-A/2) even after one month from the date of decision of the representation. Accordingly, the OA is disposed of with no order as to costs.


(Meenakshi Hooja)
Administrative Member


(Justice K.C. Joshi)
Judicial Member