

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**O.A.No.43/2006
Tuesday, August 07, 2007**

CORAM :

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

- 1 K.R.Venkatachalam
 Lecturer in Physics,
 Working as Officer on Special.Duty,
 Lakshadweep Office,Kochi.
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- 8 K.M.Sayed.
Lecturer in History, M.G.S.S.S, Androth.
Residing at Androth,
U.T. Of Lakshadweep. ... Applicants

By Advocate Mr.P.V.Mohanan
V/s.

- 1 Union of India Represented by
Secretary, Ministry of Human Resources
Development, (Department of Secondary
School and Higher Education)
B-Wing, Ground Floor.
Sastri Bhavan, N.Delhi.
- 2 The Administrator
Union Territory of Lakshadweep, Kavaratti.
- 3 The Director of Education
Kavaratti, UT of Lakshadweep ... Respondents.

By Advocates Mr.Thomas Mathew Nellimoottil R-1.
Mr.Shafik M.A. R 2&3.

The application having been heard on 6.8.2007 the Tribunal, on the same day delivered the following:

(ORDER)

Hon'ble Mrs.Sathi Nair, Vice Chairman

- 1 The applicants who commenced service as Lecturers and had been granted the scale of pay of Rs.2200-4000/- with effect from 1/1/1986 in terms of the judgment rendered by the Hon'ble High Court of Kerala and confirmed by the Apex Court at Annexure A1 and A2, are claiming Higher Grade promotion at par with other Central Government employees in terms of the recommendations rendered by the IVth and V,th Central Pay Commissions. By Annexure A-8 proceedings dated 12/8/2005, the

applicant applicants were granted status as Group A (Gazetted) post in terms of provisions contained in Central Civil Service (Revised) Pay Rules 1997. Therefore the applicants are entitled to get Higher Grade promotion in the scale of pay of Rs.3000-4500/- (pre-revised) on completion of 8 years of service; Rs.3700-5000/- (pre-revised) on completion of 13 years of service and Rs.4500-5700/- (pre-revised) on completion of 18 years of service. As the same has not been granted, this OA has been filed. The applicants have submitted the representations vide Annexures A 10, A11 and Annexures A 14 to 21.

2 We had occasion to consider a similar issue in OA 89/2006 which was disposed of on 2nd February, 2007. In that case the applicants were working as Lecturers in Jawaharlal Nehru Senior Secondary School, Kadamath and Mahatma Gandhi Senior Secondary School, Androth. They had also completed 9 to 26 years of service and they had been stagnating in that scale. Para-5 of the said order is as under:-

"5 We have considered the submissions. It is true that the applicants had approached the Apex Court and obtained parity in the pay scale with Post Graduate Teachers from the date of entry but since then they have been working in the same grade and as they have been treated as a dying cadre with no further promotion opportunities, they are stagnating in the same cadre and retiring in the same scale. This category is also few in number and the respondents have also shown their inclination to consider the grievances of the applicants vide Annexure A.11, but unfortunately the matter has not been taken up seriously. In the representations, the applicants have also pointed out that certain schemes are applicable to other Central Government Civilian employees and they may be also considered for such treatment by drawing up a special scheme if necessary. We are of the view that in the interest of justice as the applicants are without any promotional opportunities in their regular line they are entitled to some special consideration. The policy of the Government has been that

employees should earn at least two promotions during his period of service. The applicants herein could not be an exception to this policy and even if they had derived some benefits by a higher initial pay scale that should not stand in the way of their being deprived of further advancement. We would leave it to the respondents, namely, the Government of India to consider how the applicants could be compensated by either upgradation in the existing post or by any other suitable method.

6 In this view of the matter, we dispose of this OA directing the 3rd respondent to consider the directions in Annexure A 11 and formulate necessary proposals as deemed fit and the 1st respondent shall thereafter take a decision on the same keeping in view the representations of the applicants at Annexure A 12 and Annexure A 13. The OA is disposed of accordingly. No order as to costs."

3

In this OA, the applicants have claimed the following reliefs:-

- i) To declare that the applicants are entitled to get the higher grade scale of pay of Rs.10,000-15200/- (Pre-revised Rs.3000-4500/- on completion of 8 years service from the level of Rs.8000-13500/- (pre-revised Rs.2200-4000/-); Rs.12000-16500/- (Rs.3700-5000/ pre-revised) on completion of 13 years of service and Rs.14300-18300/- (Pre-revised 4500-5700) on completion of 18 years of total service with all consequential benefits including arrears of pay.
- ii) To direct the respondents to grant the scale of pay of Rs.10000-15200/-; Rs.12000-16500/- and Rs.14300-18300/- to the applicants on completion of 8 years, 13 years and 18 years of service respectively from the grade Rs.8000-13500/- (pre-revised 2200-4000/-) and to grant arrears of pay with interest at the rate of 12% per annum from the date due to the payment till the date of payment.
- iii) Any appropriate order or direction this Hon'ble Tribunal deem fit in the interest of justice."

4

The applicants are seeking promotion in the Hierarchical pay scales as recommended by the Vth Central Pay Commission. They have stated in para-17 as follows:-

17 The Fifth Central Pay Commission in issue relating to Civil and Police Services to UTs and NCT of Delhi, the following recommendations are made:

"49.12 Demands:- All the above mentioned four services have demanded an Entry Grade of Rs.2200-4000/- and standard grades of pay up to Rs.4500-5700/- on the pattern of most of the state Governments including the neighbouring states who have already created such promotional avenues for their corresponding cadres. These services are feeder to the AGMUT cadre of respective All India Services. The AGMUT cadre of AIS comprises of two distinct categories for the purposes of feeder services to the AIS, namely the participating states and UTs including NCT of Delhi. The participating states are Arunachal Pradesh, Mizoram and Goa, while the Union Territories are Andaman & Nicobar Islands, Pondicherry, Chandigarh, Lakshadweep, Dadra and Nagar Haveli, Daman and Diu and NCT of Delhi. The State Civil/Police Services of all three constituent states have an entry scale of Rs.2200-4000/-. The UT segment of AGMUT cadre has four distinct feeder services, namely, the UT Civil Service, the Pondicherry Civil Service, the UT Police Service and Pondicherry Police Service. The UT of Chandigarh is being manned by deputationist officers from the state Civil Services of Punjab and Haryana. In order to streamline the pay structure of the feeder civil and police services, we recommended the entry grade of Rs.2200-4000/- followed by the grades of Rs.3000-4500/-; Rs.3700-5000/- and Rs.4500-5700/- for these services."

"49.13 Our recommendations Pay scale:-

The introduction of new grades necessitates some restructuring of these cadres involving interspersing of existing posts among different grades of pay. We recommend the following revised uniform grade structures for these services."

| Grade | Scale of Pay | Eligibility for functional promotion |
|-------------------|----------------|--------------------------------------|
| Grade IV Service | Rs.2200-4000/- | Entry Grade |
| Grade III Service | Rs.3000-4500/- | 8 years of total service |
| Grade II Service | Rs.3700-5000/- | 13 years of total service |
| Grade I Service | Rs.4500-5700/- | 18 years of total service |

5 As the matter is already under active consideration of the Lakshadweep Administration in accordance with the order of this Tribunal dated 2/2/2007 in OA 89/07, it will suffice if the representations of the applicants with the prayers in this OA in the light of the detailed averment in para-17 of the OA are also considered by the respondents before they take a final decision

6 We expect that the proposals in this regard would be expeditiously forwarded by the 2nd respondent and the first respondent shall thereafter take a decision within a period of three months from the date of receipt of the proposals.

7 With the aforesaid directions, the OA is disposed of as above.
No order as to costs.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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