

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 439/2009

Wednesday the 18th day of August, 2010

C O R A M

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

1. K.L. Cyriac (Cook), S/o Luka P.C,
Jawahar Navodaya Vidyalaya,
Venkulam, (P.O.) O.K. Muri,
Malappuram District, Kerala - 676 515.
2. Issac K.R. (Cook), S/o Ramayya,
Jawahar Navodaya Vidyalaya,
(P.O.) Nerimangalam, Ernakulam District,
Kerala - 686 693.
3. K.P. Radhakrishnan (Cook),
S/o. Narayana Kurup,
Jawahar Navodaya Vidyalaya,
A.E. QITS No. 5, (P.O.) Malampuzha,
Palakkad District, Kerala - 673 651.
4. N. Ramakrishnan (Cook),
S/o. Narayanan, Jawahar Navodaya Vidyalaya,
(P.O.) Mayannur, Thrissur District,
Kerala - 679 105.
5. Sasi M.A (Cook), S/o/ Kunju Kunju,
Jawahar Navodaya Vidyalaya,
Vuyapuram, (P.O.) Vadavathoor,
Kottayam District, Kerala - 686 010.
6. Mohanan Pillai G. (Cook), S/o. Gangadharan Pillai,
Jawahar Navodaya Vidyalaya, E.T.C Campus,
(P.O.) Kottarakkara, Kollam District, Kerala - 691 531.

7. Ramakrishnan M.K. (Cook),
S/o. Krishnan Nambiar,
Jawahar Navodaya Vidyalaya,
Bhagavatpadapuri, (P.O.) Chendayad,
Cannanore District, Kerala - 670 692.

8. Vijayan P. (Cook),
S/o. Kunjambu, Jawahar Navodaya Vidyalaya,
(P.O.) Periya, Kasargode District
Kerala - 671 316.

9. Mangalanandan P.S. (Cook),
S/o. Late Narayanan,
Jawahar Navodaya Vidyalaya,
Vechoochira, Pathanamthitta District,
Kerala - 686 511. **Applicants**

By Advocate Mr. M.V. Bose
Versus

1. Union of India, represented by its
Secretary to Ministry of Human Resources,
Development Department of School
Education & Literacy, Shastri Bhavan,
New Delhi.

2. Secretary to Ministry of Finance,
Department of Expenditure,
North Block, New Delhi.

3. Navodaya Vidyalaya Samiti,
represented by its Commissioner,
A-28, Kailash Colony, New Delhi - 110 048.

4. The Deputy Commissioner,
Navodaya Vidyalaya Samiti,
Hyderabad Region, 1-1-10/3,
S.P. Road, Secunderabad. **Respondents**

By Advocate Mr. Sunil Jacob Jose, SCGSC for R 1 & 2
By Advocate Mr. M.K. Damodaran for R 3 & 4

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicants who are working as Cooks in the various Jawahar Navodaya Vidyalayas in the Kerala Region, challenge the denial of appropriate pay scale, grade pay and special allowance as has been proposed by the 3rd respondent in accordance with the recommendation of the VI Central Pay Commission. They are also aggrieved by the non-fixation of working hours and lack of promotional avenues.

2 Today when the case was taken up for final hearing the learned counsel for the parties agreed that the case is fully covered by an earlier decision of the Tribunal in O.A. 389/09 dated 5.8.2010.

3 We have gone through the order of this Tribunal in O.A. 389/2009. In that O.A, the Tribunal was considering the case of Catering Assistants in the Jawahar Navodaya Vidyalayas. We find that the Cooks in the Navodaya Vidyalayas are similarly situated like the Catering Assistants. In O.A. 389/2009 the Tribunal considered the case of the Catering Assistants and disposed of the O.A in the following manner.

14 Hence, we are of the view that a scheme fixing three or four grades of Catering Assistants in the Navodaya Vidyalayas should provide a practical solution for giving them timely promotion with suitable upgradation in pay, But for the fact that Government was keen to insist on the students

DY

getting nutritious and balanced diet, there was no need to recruit Catering Assistants, with Diploma in Catering management. They were expected to plan delicious, tasty and healthy food so that the children will eat proper food instead of skipping meals. If that objective is achieved, then these applicants have to be suitably compensated to keep their morale up. Even in the case of engineering cadres where degree was made compulsory, now, a certain per centage of posts is earmarked for Diploma holders for promotion up to Superintending Engineer in units under the ICAR. Therefore, there is a strong case for higher promotional avenues and enhancement of pay scales of the applicants.

15 Therefore, we direct the 1st respondent to evolve a scheme to grant higher pay scale, better career prospects and fix their working hours etc. to the Catering Assistants in the Navodaya Vidyalayas. The Governing body of the Jawahar Navodaya Vidyalaya Samiti would have to deliberate on the issues and pass a resolution proposing the pay scales of the applicants, keeping in mind the case of the applicants as projected in this O.A and our observations above. They are also entitled to 10% of the pay or a lump sum amount of extra allowance per mensem, as they are required to be available in the Vidyalaya and work for more than 18 hours a day, on all days.

16 In the result, we direct the 1st respondent to call meeting of the Governing body of the Jawhar Navodaya Samiti, deliberate and reconsider the following issues, as early as possible at any rate within three months from the date of receipt of this order:

- (i) to grant higher pay scale w.e.f. 1.1.2006
- (ii) to grant special allowance @ 10% of pay.
- (iii) to evolve a scheme for promotion as in the case of Drivers /Teachers, etc. referred to above
- (iv) to fix the working hours

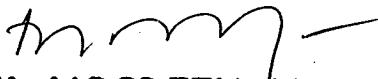
14

4 In this view of the matter, we are of the considered view that this O.A can be disposed of by passing identical directions to the respondents. Accordingly, we dispose of this O.A with the following directions.

- (i) the 1st respondent to call meeting of the Governing body of the Jawhar Navodaya Samiti, deliberate and reconsider the following issues of Cooks, as early as possible at any rate within three months from the date of receipt of this order:
- (ii) to grant higher pay scale to w.e.f. 1.1.2006
- (iii) to grant special allowance @ 10% of pay.
- (iv) to evolve a scheme for promotion as in the case of Drivers /Teachers, etc. referred to above
- (v) to fix the working hours

15 The O.A. is disposed of as above. No costs.

Dated the 18th August, 2010


K. NOORJEHAN
ADMINISTRATIVE MEMBER

Kmn


GEORGE PARACKEN
JUDICIAL MEMBER