

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 454/2005

Monday this the 5th day of December, 2005

C O R A M

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

Dr. M. Mullakoya S/o P.P. Pookoya Haji
Lecturer, JNSS School, Kadmat
Lakshadweep-682 556
residing at Puthiyapura House
Near Uhudu Pally
P.O. Kadamat-682556Applicant

By Advocate M/s Arikat Vijayan Menon

Vs.

- 1 Union of India represented by
the Secretary to Government
Ministry of Human Resources Development
Department of Education
New Delhi.
- 2 The Administrator
Union Territory of Lakshadweep
Kavarathi.
- 4 Director of Education
Union Territory of Lakshadweep
Kavarathi. ..Respondents

By Advocate Mrs. Mariam Mathai ACGSC for R-1

By Advocate Mr S. Radhakrishnan, for R 2 & 3

ORDER

HON'BLE MRS. SATI NAIR, VICE CHAIRMAN

The applicant in this O.A. seeks the following relief:

“Issue a direction commanding the respondents to sanction senior scale of pay at Rs. 3000-5000 from 1992 upon the completion of 8 years service, selection grade of Rs. 12000-18300 upon completion of a further period of 5 years in 1997 and also to grant 2 advance increment on acquisition of Ph.D in 1990.

- 2 When the applicant and others like him were not given the pay scale of Lecturers in Degree colleges under the Union of India, it was challenged before the Hon'ble High Court of Kerala in WA No. 736/1992 which held that pay scale of Lectures in the UT of Lakshadweep is to be on par with the pay scale of Lecturers in Degree colleges. This

judgment was upheld by the Hon'ble Supreme Court by its judgment dated 29.4.1997 in C.A.No. 913/1987 and other cases. But this benefit was not granted to the applicant and therefore he had approached this Tribunal by filing O.A. 1090/98 in which a direction was given to the respondents to grant the pay scale of Rs. 2200-4000 w.e.f. his date of appointment and also other consequential benefits. Now the case of the applicant is that since he has completed 8 years of service and obtained Ph.D degree, he is eligible to be placed in the senior scale of Rs. 3000-5000 (pre-revised) as per Annexure A-I order and for placement in the selection grade of Rs. 12000-18000 as per Annexure A-III orders and also for two advance increments for acquiring Ph.D degree.

2 The respondents have filed a reply statement averring that first of all this OA is barred by limitation and also that Annexure A1, A2 and A3 orders produced by the applicant are not at all applicable to him. The above orders are applicable only to Lecturers who teach in Graduate, Post Graduate or still higher levels of education and the applicant is now working as a Lecturer at Senior Secondary School level only and that applicant or any similarly situated person like him was never under the supervision of the University Grants Commission which is evident from Annexure A-6 itself and therefore not entitled to the benefits of the above orders. He is only entitled to such scale of pay and allowances which other Central Government employees working under the Union Territory of Lakshadweep administration and all such benefits are being extended to him. The impugned order has been passed by the appropriate authority keeping in view all the above aspects and after considering the matter in detail.

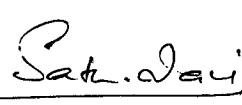
3 This Tribunal has already rejected similar prayer in O.A. 1202/2000 which has been taken in Appeal before the Hon'ble High Court of Kerala which has rejected the claims of the petitioners and confirmed the order of this Tribunal holding that the applicants therein are not entitled to the benefit of Selection Grade and Senior scale on par with Lecturers under the UGC scheme. From the judgement of the Hon'ble High Court it can be seen that the applicants submitted before the Court that they are interested to get the benefits as per the IVth and Vth Central Pay Commission reports. According to the respondents the High Court gave liberty to the petitioners to submit representation to claim the benefits under the Pay Commission reports. But the applicant has approached this Tribunal with similar prayer for

awarding the grade of senior scale under the UGC scheme, which prayer has already been rejected by this Tribunal.

4 We have heard the learned counsel for both sides. No new submissions have been made other than what has already been stated in the Application. The learned counsel for the applicant sought several adjournments stating that fresh instructions have been issued by the Government of India for granting benefits to identically placed persons like the applicant. In spite of several opportunities having been given, no such instructions have been produced before us. The same issue was agitated before this Tribunal in O.A. 1202/2000 by similarly placed applicants working in Junior Colleges and after detailed discussion the Tribunal had rejected the claim of the applicants that the benefit of Senior scale and Selection grade as envisaged in the Career Advancement Scheme are available only to Lecturers who are engaged in teaching in Degree colleges and Universities and fulfilling the prescribed conditions prescribed by the Government of India and the Regulation framed by the UGC. On introduction of plus two system of education, Pre-Degree course was delinked and attached to the Senior Secondary Schools. As a result, the applicant and others became part of the Secondary School system. The Career Advancement Scheme introduced by the UGC is applicable only to University and College Lecturers working in Degree colleges and teachers working in Senior Higher Secondary Schools are not covered by the above scheme. This was a very considered decision of the Tribunal which has now been upheld by the Hon'ble High Court in its judgment in OP 28681 of 2002 dated 23.10.2004 and the order of the Tribunal has become final. The applicant cannot approach this Tribunal on the same issue. The applicant has not been able to produce any further orders of the Government of India on the issue necessitating a fresh adjudication in the matter. Under these circumstances, the OA is devoid of merits and is dismissed. No costs.

Dated the 5th day of December, 2005


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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