

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.509/03

Wednesday this the 8th day of March 2006

C O R A M :

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

M.Damodaran Namboodiri,
S/o.late M.Krishnan,
XI/96, K.V.Nagar, Housing Colony,
P.O. University Campus,
Mangadu Paramba, Kannur District.
Formerly working as Principal G-II,
Kendriya Vidyalaya No.2, Calicut – 17.

...Applicant

(By Advocate Mr.N.N.Sugunapalan,Sr.)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110 016.
2. The Joint Commissioner (Admn.)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110 016.
3. The Senior Audit & Accounts Officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110 016.
4. The Senior Administrative Officer,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi – 110 016.
5. Union of India represented by Secretary,
Ministry for Home Resources,
New Delhi – 110 001.

...Respondents

(By Advocate M/s.Iyer & Iyer [R1-4] & Mr.TPM Ibrahim Khan,SCGSC [R5])

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This application having been heard on 8th March 2006 the Tribunal on the same day delivered the following :

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant was a Post Graduate Teacher in Kendriya Vidyalaya and was promoted as Vice Principal in the light of the recommendations of Chattopadhyaya Committee on 8.12.1988. It is stated that the fifth Pay Commission report was enforced in the organisation and the entire pay structure of various grades were revised as follows :-

1	Post Graduate Teacher	Rs.6500-10500
2	Senior Scale	Rs.7500-12000
3	Selection Grade	Rs.8000-13500
4	Vice Principal	Rs.7500-12000
5	Vice Principal	Rs.8000-13500
6	Principal	Rs.10000-15200

2. The applicant was on a pay scale of Rs.7500-12000. He contends that he has been denied promotion to the selection grade of Rs.8000-13500 to his disadvantage and juniors to him who had remained in the senior scale as P.G.Ts were promoted to the said selection grade. The respondents have contended that he could not be granted the scale as he was a P.G.T and his designation was as Vice Principal and that he has not completed the prescribed minimum period of 12 years as P.G.T in the senior scale. The applicant has submitted that he had been making representations and he has also approached the Central Administrative Tribunal, Bangalore Bench by filing O.A.241/02 which was disposed of permitting him to file further representation. Even though he had filed further representation his case has not been considered entirely and only

two stagnation increments were granted to him. He had again filed representation (Annexure A-9 dated 1.6.2003) setting out his grievances and pointing out that the denial of selection grade to the applicant in the Vice Principal scale is discriminatory. Therefore he has filed this O.A seeking the following reliefs :-

1. To declare that the applicant is entitled to have his pay scale as Principal be fixed after granting selection grade taking into account the total service rendered by him in the Senior Scale as well as Vice Principal and also for the grant of consequential pay fixation in the scale of both Principal and Vice Principal as per rules.
2. To issue appropriate order or direction, directing the respondents to fix the pay scale of the applicant as Principal before his retirement, after granting the selection grade and taking into account the total service rendered by him in the senior scale as well as Vice Principal, and grant consequential fixation in the pay scale of the Vice Principal and Principal as per rules.
3. To issue an appropriate order or direction, directing the respondents to grant the pension and other pensionary benefits on the basis of the revised fixation of scale of pay applicable to the applicant as on the date of retirement with interest at the rate of 18% per annum.
4. To direct the respondents to pay the petitioner arrears of pay from the date he became eligible for grant of selection grade in the post of Vice Principal with interest thereon.
5. Award the cost of this proceedings to the applicant and;
6. Grant such other and further reliefs as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.
7. To direct the respondents to grant the applicant the selection grade with effect from 1.4.1985 and Vice Principal's scale at Rs.2200-4000 with effect from 8.12.1988 on par with the applicant's juniors.

3. The respondents have filed a reply statement. Their main contention is that revised pay scale of school teachers in the Kendriya Vidyalaya Sangathan is governed by the recommendations of the National

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Commission on teachers under the Chairmanship of Prof.D.P.Chattopadhyaya according to which the senior scale will be granted after completion of 12 years of service in the post/grade and selection scale will be granted after completion of 12 years of service in the senior scale in the post/grade limited to 20% of the number of posts in the senior scales of the respective cadre. They also submitted that all the representations of the applicant pertaining to the stepping up of his pay with reference to his juniors were duly disposed of by Annexure R-5 order. They also denied the contention of the applicant that he could have got the selection grade along with others like his juniors namely, Smt.Alice Thomas and Shri.Poulose is not tenable in as much as these incumbents have successfully completed their required tenure as P.G.T's for obtaining the selection scale whereas this applicant did not complete the required tenure as P.G.T.

4. We have heard both the parties for sometime. Counsel for the applicant took us to a judgment of the Punjab and Haryana High Court in P.L.Goyal Vs. The State of Haryana & Ors reported in 1990 (5) SLR 108 in which it was held that members of Subordinate Judicial Service getting more pay than the petitioner who belong to the Punjab Superior Judicial Service was violative of Rule of equality as enshrined in Articles 14 and 16 of the Constitution of India. We find that the recommendations of the Chattopadhyaya Committee and Vth Pay Commission are not available on record. From the available record we find that the representation of the applicant particularly the latest representation at Annexure A-9 dated 1.6.2003 has not been gone into thoroughly by the respondents in the light of the directions made in the O.A. Counsel for the applicant prays that he may be permitted to make a more detailed

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representation covering all the points averred in the O.A. Counsel for the respondents submitted that if such a representation is submitted it can be considered in view of the above submissions of the counsel. Accordingly we permit the applicant to make a comprehensive representation covering all the points made in the O.A. We further direct the respondents to consider and dispose of such representation and communicate a decision to the applicant within a period of three months from the date of receipt of a copy of this order. No order as to costs.

(Dated the 8th day of March 2006)


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

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