

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 562 OF 2013

Friday, this the 25th day of September, 2015

CORAM:

**HON'BLE Mr. U. SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE Mrs. P. GOPINATH, ADMINISTRATIVE MEMBER**

1. D. Harilal,
Electrician-cum-Plumber,
Jawahar Navodaya Vidyalaya,
Chennithala – 690 105.
Residing at Quarter No. 4,
Type II, JNV, Chennithala – 690 105.
2. K. Mohanadas,
Electrician-cum-Plumber,
Jawahar Navodaya Vidyalaya, Kollam.
Residing at Quarter No. 26,
JNV, Kottarakara, Kollam - 691 531.
3. M. Balasuresh,
Electrician-cum-Plumber,
Jawahar Navodaya Vidyalaya,
Chettachal, Vithura,
Thiruvananthapuram – 695 551.
Residing at : JNV Quarters,
Thiruvananthapuram – 695 551. - Applicants


(By Advocate Mr. Vishnu S. Chempazhanthiyil)

Versus

1. The Deputy Commissioner (Pers.)
Navodaya Vidyalaya Samiti,
(Hyderabad Region),
Ministry of Human Resource & Development,
1-1-10/3, Sardar Patel Road,
Secunderabad – 500 003.
2. The Commissioner,
Navodaya Vidyalaya Samiti,
A-28, Kailash Colony,
New Delhi – 110 048.
3. Union of India, represented by the Secretary,
Ministry of Human Resource & Development,
Shastri Bhawan, New Delhi – 110 001. - Respondents

(By Advocates: Mr. P. Parameswaran Nair for R-1 and 2
Mr. N. Anil Kumar, Senior PCGC for R-3)

The application having been heard on 25.09.2015, the Tribunal on the same day delivered the following:



ORDER (Oral):
U. SARATHCHANDRAN, JUDICIAL MEMBER


Applicants are Electrician-cum-Plumbers under the Jawahar Navodaya Vidyalaya working under respondent Nos. 1 and 2. Their grievance is that they are denied the Grade Pay of Rs. 2400/-, which is being enjoyed by similarly situated employees in other departments. According to them, unlike other employees they are on 24 hours duty as the Jawahar Navodaya Vidyalayas are residential schools which require the services of Electrician-cum-Plumbers round the clock. The applicants are further aggrieved by the denial of 10% special allowance granted to the teaching faculty.

2. The applicants have approached this Tribunal seeking relief as under:-

- "1. Call for the records leading to the issue of Annexure A-8 and set aside Annexure A-8.
2. Direct the respondents to consider granting Grade Pay of Rs. 2400/- to the applicants, who are working as Electrician-cum-Plumbers in Jawahar Navodaya Vidyalayas.
3. Direct the respondents to consider granting 10% Special Allowance to the applicants who are working as Electrician-cum-Plumbers in Jawahar Navodaya Vidyalayas as granted to the Teaching Faculty in NVS.
4. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice."

3. Respondents filed reply statement. We have heard counsel appearing on both sides.

4. Basically the issue involved in this case is the claim for Grade Pay and special allowance by the applicants. Since fixing of pay and allowances is a matter to be done by an expert body, the Tribunal cannot deal with such matters unless there is unreasonable or arbitrary exercise of power by the authorities concerned. In this case, the applicants are praying for treating them equal with similarly situated employees in other departments in the matter of Grade Pay as also 10% special allowance to them. We take note



that the work of 7th Pay Commission is going on and that the Commission is yet to file its report. In the circumstance, we feel that the best course available to the applicants would be to file a detailed representation before respondent No. 2 furnishing justifications for their claims made in relief Nos. 2 and 3. The respondent No. 2 shall, along with remarks of the samithi, forward such representation to respondent No. 3 for placing the same before the 7th Pay Commission. We order accordingly.

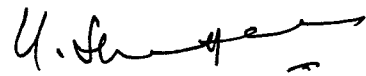
5. Learned counsel for the applicants submitted that the applicants shall submit the representation to the respondent No. 2 within two weeks. On receipt of the same, respondent No. 2 shall forward the representation along with its remarks to respondent No. 3 for onward submission before the 7th Pay Commission within three weeks thereafter.

6. The Original Application is disposed of as above. Parties shall suffer their own costs.

(Dated, the 25th September, 2015.)



(P. GOPINATH)
ADMINISTRATIVE MEMBER



(U. SARATHCHANDRAN)
JUDICIAL MEMBER

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