

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.63/2001.

Wednesday this the 25th day of September, 2002.

CORAM:

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. Dr. Johny Thomas,
Lecturer in Botony, Mahatma Gandhi College,
Androth.
2. N.Venugopal,
Lecturer in Physics, -do-
3. E.Ravindranathan,
Lecturer in Commerce, -do-
4. Saju Thomas,
Lecturer in Mathematics, -do-
5. S.Mohammed Sheik Davood Batcha,
Lecturer in Chemistry, -do-
6. M.C.Mohammed,
Lecturer in Hindi, -do-
7. Khaleelulla Polakkadam,
Lecturer in Zoology, Jawaharlal Nehru College,
Kadamat.
8. A.O.George,
Lecturer in Commerce, -do-
9. P.S.Attakoya,
Lecturer in kEnglish, -do-
Applicants

(By Advocate Shri P.Santhoshkumar)

Vs.

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

(By Advocate Shri T.A.Unnikrishnan, ACGSC (R-1)

(By Advocate Shri S.Radhakrishnan (R.2&3)

The application having been heard on 25th September, 2002,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

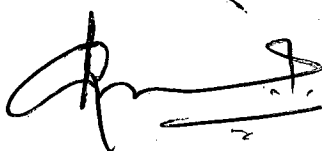
The applicants 9 in number filed this O.A. seeking the following reliefs:

- i) declare that the non-granting of Senior Scale/Selection Grade to the applicants is illegal.
- ii) direct the 2nd respondent to extend the benefit of granting Senior Scale/Selection Grade to the applicants as indicated in Annexure A-6 chart and all consequential benefits arising therefrom.
- iii) grant such other further reliefs as as this Hon'ble Tribunal may deem just, fit and proper in the facts and circumstances of the case.

2. When the O.A. was taken up today for final hearing, learned counsel on both sides submitted that the issues involved in this O.A. are identical with the ones raised in O.A.1202/00 and the order of this Tribunal in O.A.1202/00 would apply to the applicants in this O.A. also.

3. We have gone through the pleadings in this O.A. We find that the applicants in this O.A. are seeking a declaration from this tribunal that they were entitled to be granted Senior Scale and Selection Grade and for a declaration that non-granting of Senior Scale/Selection Grade to them by the respondents is illegal.

4. The applicants in O.A.1202/00 who were also working as Lecturers in the different colleges under the Lakshadweep Administration, had approached this Tribunal seeking for setting aside the reply given by the respondents to them declining to grant them the benefit of Senior Scale and Selection Grade and for a declaration that they were entitled to for the grant of Senior Scale and Selection Grade on the basis of A-2 judgement.



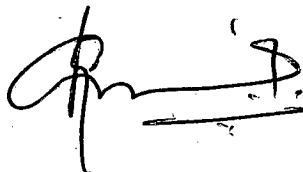
and A-3 order dated 22.7.88. We find that in this O.A. also the respondents are basing their claim on the basis of A-4 dated 22.7.88. In O.A.1202/00 this Tribunal held as follows:

"In view of the facts and circumstances discussed above, we hold that the applicants herein are not entitled to the benefit of Senior Scale and Selection Grade as prayed for merely on the ground that they have been allowed the entry scale of pay attributable to Lecturers in Colleges and Universities and that the impugned order A-7 cannot be faulted. We therefore, find no merit in this application. Accordingly, the O.A. is dismissed. Parties shall bear their respective costs."

5. In this O.A. also the main ground on which the applicants seek the benefits on the basis of grant of scale applicable to the Lecturers of the colleges.

6. In the light of the submissions made by the learned counsel of the parties as above, as well as following the order of this Tribunal in O.A.1202/00, this application is only to be dismissed.

7. Learned counsel of the applicant submitted that the dismissal of this O.A. may not stand in the way of the applicants in seeking benefits of ACP scheme from the respondents. If the applicants are entitled for any benefits under any other scheme of the Government, that was not a matter before this Tribunal. While we are declining to make any observations, the applicants are free to move the appropriate authorities for any benefits which they feel are admissible to them and pursue the matter.

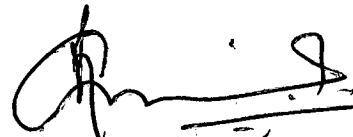
A handwritten signature in black ink, appearing to be 'P. S.', with a horizontal line underneath.

8. Accordingly, we dismiss the O.A. with no order as to costs.

Dated the 25th September, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

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A P P E N D I X

Applicants' Annexures:

1. A-1 : True copy of judgement dated 29.4.97 of the Hon'ble Supreme Court in Civil Appeal No.913/97.
2. A-2 : True copy of judgment dated 14.9.99 of this Hon'ble Tribunal in OA No.1517/97.
3. A-3 : True copy of order E.No.18/58/99-Edn. dated 21.3.2000 of the 3rd respondent.
4. A-4 : True copy of notification No.F.1-21-87/U.1 dated 22.7.88 of the first respondent.
5. A-5 : True copy of order No.F.1-22/97-U.1 dated 27.7.98 of the 1st respondent.
6. A-5a: True copy of order No.F.1-22/97-U.1 dated 27.7.98 of the 1st respondent.
7. A-6 : True copy of a chart with details of applicants date of entry of service, dated on which senior scale are due etc.
8. A-7 : True copy of office order No.013/CPGS/Estt./90-91/C1 dated 1.7.90 of the Director, Centre for Post Graduate Studies, Lauspet, Pondicherry.
9. A-8 : True copy of office order No.9807/27/90/MGAC-2347 dated 19.9.90 of the Principal, Mahatma Gandhi Arts College, Pondicherry.
10. A-9 : True copy of 1st applicant's representation dated 16.8.2000 addressed to the 2nd respondent.
11. A-10: True copy of 7th applicant's representation dated 14.6.2000 addressed to the Principal, J.N.College, Kadmath.

Respondents' Annexures:

1. R-2a&b: A true copy of order G.O.(MS) No.58/97/H.Edn. dated 6.5.97 issued by the Principal Secretary to Govt. & the communication converting the Junior Colleges into senior secondary schools.
2. R-2c : True copy of letter No.F 1-11/87-(CPP) October, 1991 to the Registrar, Calicut University issued by the Under Secretary, University Grants Commission.
3. R-2d : True copy of the Notification No.F.3-1/2000(PS) of March 2000.
4. R-2e : True copy of order G.O.(P) No.79/90/H.Edn dated 27.3.90 issued by the Commissioner & Secretary to Government.

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