

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.7/2009

This the 8th day of March 2010

C O R A M

**HON'BLE MR JUSTICE K. THANKAPPAN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER**

**P.V. Mohammed Khan S/o late Sri Attakoya Haji
Head Master, Government SB School
Androth**

Applicant

By Advocate Mr. M.R. Hariraj

Vs

**1 Union of India represented by the
Secretary to Government of India
Ministry of Human Resources Development
New Delhi,**

**2 Administrator
Union Territory of Lakshadweep
Kavarathi**

**3 The Director of Education
Union Territory of Lakshadweep
Lakshadweep.**

Respondents

**By Advocate Mr. Sunil Jacob Jose f SCGSC for R1
Advocate Mr. S. Radhakrishnan for R 2 & 3**

**The Application having been heard on 22.2.2010 the Tribunal delivered
the following**

O R D E R

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The grievance of the applicant, Headmaster, Govt. SB School Androth, Lakshadweep Island, is that, he was denied Senior Scale of Primary School Teacher w.e.f. 18.10.2006.

2 The applicant commenced service as Primary School Teacher on 17.10.1982(A-1). According to the applicant, as Primary School Teacher, he is entitled for Senior scale after 12 years and Selection scale after 12 years service in Senior scale (A2). He was granted Senior scale w.e.f. 17.10.1994 (A-4) . While continuing so, he applied for admission to B.Ed course but he was not granted study leave. He challenged the denial of study leave through O.A. 868/2001 which was allowed, but the Department filed W.P. Challenging the order of the Tribunal. In the meanwhile, he was promoted as Headmaster Primary School (A-6) The pay scale of Headmaster Primary school and that of Senior scale of Primary School Teacher are one and the same, he was granted fixation of pay under FR 22(I)(a)(1) on promotion (A-7). The applicant represented that he would opt for Selection scale in the Primary School Teacher cadre. (A-8)/A-9). Hence he filed this O.A. for grant of Senior Scale w.e.f. 18.10.2006 with all consequential benefits on the ground that he is qualified for grant of Senior scale.

3 The respondents 2 & 3 filed reply statement stating that Primary School Teachers are eligible for Senior scale and selection scale when they complete 12 years and 24 years of service(A2) subject to certain conditions. According to condition No. (v) the Primary School

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Teacher and Trained Graduate Teacher will be required to obtain higher qualification they will not be required to shift to an institution of higher level. They further submitted that the applicant completed 12 years of service in the grade of Primary School Teacher in the year 1994 and therefore he was awarded Senior scale in the year 1994 itself. Further, he is eligible for Selection grade on completion of 12 years subject to the conditions in para 2 of Annexure R-1(a) order. In the case of the applicant he has completed only 11 years of service in Senior scale and was promoted to the post of Headmaster while working as as Primary School Teacher i.e. he was promoted to the post of Headmaster before completion of 12 years of service in the senior grade. Therefore he is not entitled for awarding Selection scale granted to Primary School Teacher on completion of 12 years of service in the senior scale grade.

4 Heard learned counsel for the parties.

5 The short issue that comes up for consideration in this O.A is whether the applicant is entitled to be granted Senior scale of pay w.e.f. 18.10.2006 after completion of 12 years of service in the grade of Headmaster, Primary School.

6 On the basis of the IV Pay Commission the following pay scales were granted to Primary School Teachers:

(a)Primary School Teacher	Rs 1200-2040
Senior Scale after 12 years	1400-2600
Selection Scale(after 12 years (and attainment of qualification laid down for TGTs)	1640-2900

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(b) Trained Graduate teachers/ Headmasters of Primary School	Rs. 1400-2600
Senior Scale(after 12 years)	Rs 1640-2900
Selection Scale(after 12 years (and attainment of qualification laid down for PGTs)	Rs. 2000-3500

7 As per partial modification vide MOF Notification dated 13.9.1986/22.9.86, the revised pay scales will be admissible subject to following conditions.

(i) While senior scale will be granted after 12 years to Primary School Teachers, Trained Graduate Teachers / Headmasters of Primary School and Post Graduate Teachers/Headmasters of Middle Schools, the Selection scale will be granted after 12 years service in the senior scale of the respective cadre. For the Vice Principals/headmasters of Secondary Schools, there will be only Senior scale after 12 years and no Selection Scales

(ii) The number of posts in the Selection Scale for Primary School Teacher, Trained Graduate Teacher Headmasters of Primary School, Post Graduate Teacher/Headmasters of Middle School will be restricted to 20% of the number of posts in the Senior Scale of the respective cadre.

(iii) The Senior scale and Selection scale will be given after screening regarding their satisfactory performance by the appropriate DPC

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8 The applicant, basically a Primary School Teacher, entered service on regular basis on 17.10.1982. On completion of 12 years of service he was granted Senior scale on 17.10.1994. He was appointed to the post of Headmaster Junior Basic School on 4.9.2005 having the same scale of pay as that of Senior Scale of Primary School Teacher on

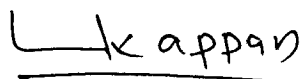


completion of 11 years of service. The claim of the applicant is that had he continued as Primary School Teacher, he would have got Selection Scale on completion of 12 years of service in the Senior Scale on 18.10.2006 and that the appointment to the post of Headmaster Primary School could not stand in the way of granting him the post of Selection Scale Primary School Teacher or the respondents could not insist on completion of 12 years service in the post of Headmaster.

9 In view of IV Pay Commission recommendation as narrated in para 6 supra, we are of the opinion that the applicant, basically a Primary School Teacher, having appointed to the post of Headmaster Primary School in the same scale of pay as that of Primary Teacher (Senior scale) and having attained the requisite qualification is entitled to be granted Selection Scale of Primary School Teacher on completion of 24 years in the entry cadre of Primary School Teacher, notwithstanding the fact that he got appointment to the post of Headmaster of Primary School. Accordingly, we allow the O.A. and declare that the applicant is entitled for grant of Selection Scale of Primary School Teacher i.e. Rs. 6500-10500 (pre-revised), on completion of 24 years of service as Primary School Teacher. w.e.f. 18.10.2006. The pay of the applicant shall be refixed accordingly and arrears be paid within three months from the date of receipt of a copy of this order. There shall be no order as to costs.

Dated 8.3.2010


K. NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE K. THANKAPPAN
JUDICIAL MEMBER

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