

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.89/06

Friday this the 2nd day of February 2007

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**

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11. M.C.Mohammed,
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22. P.P.Chandrasekaran,
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Residing at Pranavam, Poyyur Road,
Mayyil, Kannur.

...Applicants

(By Advocate Mr.T.A.Rajan)

Versus

1. Union of India represented by the Secretary,
Ministry of Personnel, Public Grievances
& Pension, Department of Personnel & Training,
New Delhi.

2. The Secretary,
Ministry of Human Resource Development,
Department of Secondary and Higher Education,
Ground Floor, Shastri Bhavan, New Delhi.

3. The Administrator,
Union Territory of Lakshadweep, Kavarathi.

4. The Director of Education,
U.T.of Lakshadweep, Kavarathi.

...Respondents

(By Advocate Mr.P.J.Philip,ACGSC [R1-2]
& Mr.S.Radhakrishnan [R3-4])

This application having been heard on 2nd February 2007 the
Tribunal on the same day delivered the following :-

ORDERHON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicants 1 to 13 are working as Lecturers in Jawaharlal Nehru Senior Secondary School, Kadamath and the other applicants in the Mahatma Gandhi Senior Secondary School, Androth. They have now completed 9 to 26 years of service. They are still in the entry grade of service and they have been stagnating in that scale. All the Central Government employees are getting financial upgradations/grades on completion of certain periods of service, but the said benefits were not extended to the applicants despite their representations and hence this original application.

2. The grounds urged by the applicants are :- (a) The applicants have 9 to 26 years of service in the initial entry grade of Rs.220-4000 (revised scale Rs.8000-13500). They are holding the post of Group A (gazetted). All other Group A (gazetted) employees under the Central Government were given either financial upgradation or higher grades and the denial of the same to the applicants amounts to discrimination and violates Articles 14 and 16 of the Constitution of India. (b) The Central Government after the implementation of the recommendations of the pay commission had introduced lot of schemes to avoid hardships due to stagnation in pay scales. In the case of Group A employees, all of them are eligible for time bound promotion/financial upgradations. In the case of teachers they are entitled to the existing scheme of three-tier structure. In Annexure A-9 this has been admitted by the respondents. Teachers in entry grade Rs.2200-4000 (revised scale Rs.8000-13500) are entitled to get the scale of pay of Rs.3000-4500 (revised scale Rs.10000-15200) on completion of 8 years of total service and the scale of pay of Rs.3700-5000 (revised scale

Rs.12000-18300) on completion of 13 years of total service. Hence the applicants have contended that the denial of higher scales of pay to the applicants is arbitrary, unjust and illegal.

3. Reply statement has been filed by the respondents in which they have pointed out that in respect of Group A Central Services no financial upgradation under the Scheme is proposed for the reason that promotion in their case must be earned. Hence it has been decided that there shall be no benefits under the ACP Scheme for Group A Central Services vide Annexure A-4(a). The applicants belong to Group A Services. They have also submitted that as per the Apex Court directions the applicants who were working in the erstwhile Junior Colleges have been granted the scale of pay of Rs.8000-13500/- directly from the date of entry in the service.

4. We have heard the counsel on either side. Counsel for the applicants submitted that the applicants have completed 13 years or more in the entry grade without any financial upgradation and they have been submitting representations continuously as seen from Annexures A-12 and A-13. Vide Annexure A-11 dated 27.5.2005, the Lakshadweep Administration had also proposed to the Director of Education to submit the proposals for granting financial upgradation subject to eligibility but the matters have not been pursued further. Their further representations to the Union of India have not yielded any result. Therefore, they have been constrained to approach this Tribunal. The counsel also pointed out that all other Group A employees under the Central Government were granted time bound higher grade promotions on completion of certain period of service under some scheme or other. Thus, for example the Medical Practitioners in the Indian Systems of Medicine who were in scale of pay

Rs.8000-13500 (pre revised scale of Rs.2200-4000) were granted First Time Bound grade promotion to the level of Senior Medical Practitioners in the scale Rs.10000-15200 on completion of 4 years service and Second Time Bound grade promotion in scale Rs.12000-16500 on completion of 10 years combined service. The applicants are also entitled to get similar treatment as had been granted to other Group A employees. The denial of the said benefits to the applicants amounts to discrimination and therefore it is unjust and illegal that applicants were being left out.

5. We have considered the submissions. It is true that the applicants had approached the Apex Court and obtained parity in the pay scale with Post Graduate Teachers from the date of entry but since then they have been working in the same grade and as they have been treated as a dying cadre with no further promotion opportunities, they are stagnating in the same cadre and retiring in the same scale. This category is also few in number and the respondents have also shown their inclination to consider the grievances of the applicants vide Annexure A-11, but unfortunately the matter has not been taken up seriously. In the representations, the applicants have also pointed out that certain schemes are applicable to other Central Government Civilian employees and they may be also considered for such treatment by drawing up a special scheme if necessary. We are of the view that in the interest of justice as the applicants are without any promotional opportunities in their regular line they are entitled to some special consideration. The policy of the Government has been that an employee should earn at least two promotions during his period of service. The applicants herein could not be an exception to this policy and even if they had derived some benefits by a higher initial pay scale that should not stand in the way of their being

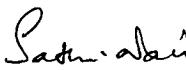
deprived of further advancement. We would leave it to the respondents, namely, the Government of India to consider how the applicants could be compensated by either upgradation in the existing post or by any other suitable method.

6. In this view of the matter, we dispose of this O.A directing the 3rd respondent to consider the directions in Annexure A-11 and formulate necessary proposals as deemed fit and the 1st respondent shall thereafter take a decision on the same keeping in view the representations of the applicants at Annexure A-12 and Annexure A-13. The O.A is disposed of accordingly. No order as to costs.

(Dated the 2nd day of February 2007)



K.B.S.RAJAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

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