

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH**

O.A.NO. 291/00611/2016

Decided on 28.07.2016

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)**

1. HARIOM SHARMA SON OF SHRI GHIRANJI LAL SHARMA AGED ABOUT 30 YEARS, R/O REGIONAL INSTITUTE OF EDUCATION AJMER, PRESENTLY WORKING AS TGT REGIONAL INSTITUTE OF EDUCATION AJMER (RAJ).
2. GUMAN SINGH SON OF SHRI RAMDAYAL, AGED ABOUT 40 YEARS, R/O REGIONAL INSTITUTE OF EDUCATION AJMER, PRESENTLY WORKING AS TGT REGIONAL INSTITUTE OF EDUCATION AJMER (RAJ).
3. BABU LAL MALL SON OF LATE SHRI RAMCHARAN MALL, AGED ABOUT 38 YEARS, R/O REGIONAL INSTITUTE OF EDUCATION AJMER, PRESENTLY WORKING AS PGT REGIONAL INSTITUTE OF EDUCATION AJMER (RAJ).
4. PRADEEP KUMAR NAWAL SON OF SHRI P. NAWAL, AGED ABOUT 38 YEARS, R/O REGIONAL INSTITUTE OF EDUCATION AJMER, PRESENTLY WORKING AS PGT REGIONAL INSTITUTE OF EDUCATION AJMER (RAJ).

APPLICANTS

Versus

1. UNION OF INDIA THROUGH SECRETARY, NATIONAL COUNCIL OF EDUCATIONAL RESEARCH & TRAINING, SHRI ARVIND MARG, NEW DELHI.
2. THE PRINCIPAL REGIONAL INSTITUTE OF EDUCATION, CAPT. D.P. CHOUDHARY MARG, AJMER.

... Respondents

Present: Mr. V. D. Sharma, Advocate, for the applicants.

ORDER (ORAL)
HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. The applicants have filed this O.A. seeking the following reliefs :-

"the respondents may be directed to implement the order dated 3.1.2012 issued by the respondents and grant benefit of stepping up of pay in pay scale of 12540 w.e.f. 1.1.2006 with interest @ 9% per annum as given to other similarly situated TGT persons, working in RIE, Bhuvneshwar"

2. The facts, which led to filing of the case, are that the applicants are working as TGT/PGT in Regional Institute of Education, Ajmer prior to 1.1.2006. Some direct recruits also joined their duties as TGT in RIE but their pay was fixed on higher side. Thus, the applicants claimed stepping up of their pay at par with direct recruits who joined after 1.1.2006. Finding no response, they filed O.A. No. 845/2012 in this Tribunal with a prayer to step up their pay at the stage of Rs. 12,540 w.e.f. 1.1.2006. The same was disposed of on 18.12.2012 (A-1) with a direction to the respondents to consider and decide the representation of applicant no.1 dated 4.7.2012 on its merit strictly in accordance with the provision of law and pass a reasoned and speaking order.

The applicant no.1 was informed on 20.2.2013 (A-2) that the issue is pending consideration before the higher authorities and decision was likely to be taken soon and further course of action would be taken accordingly. The RIE, Ajmer asked for a clarification from IIEFA Department, NCERT, New Delhi, on 17.6.2013 as to whether the pay of seniors appointed prior to 1.1.2006 can be stepped up at par with junior direct

recruits appointed on or after 1.1.2006. Prior thereto, a letter dated 10.1.2013 was also written indicating that due to implementation of recommendations of the 6th Pay Commission, the TGTs appointed after 1.1.2006 are drawing more pay than the TGTs appointed before 1.1.2006. The KVS vide order dated 27.3.2009 stepped up the pay of its TGTs appointed prior to 1.1.2006 at par with pay of its TGTs appointed after 1.1.2006 on all India basis. As per KVS order, RIE, Bhubaneshwar has also stepped up the pay of its TGTs appointed prior to 1.1.2006 equal to the pay of junior most who was appointed in DM School Bhubaneshwar after 1.1.2006 vide order dated 31.5.2011. In DM School, Ajmer no TGTs were recruited after 1.1.2006, therefore, no such anomaly was noticed. However, TGTs of DM School Ajmer who were appointed prior to 1.1.2006 represented that their pay should be stepped up equal to the junior most TGT of DM School, Bhubaneshwar who was appointed after 1.1.2006 and drawing more pay. Clarification was sought but council has not given any instruction and necessary guidance was asked for in the matter. However, the NCERT, New Delhi, vide letter dated 3.3.2016 has informed the Administrative Officer, RIE, Ajmer that since the RTE pay scale of PGT and TGT has been stepped up by RTE, Bhubaneshwar as per ~~the~~ rules, no action was warranted on the part of the NCERT.

3. In other words, the action is now to be taken by the RTE, ~~Ajmer~~ Jaipur itself and it cannot now abdicate its responsibility. Considering the fact that the said authority has not taken any decision till date, it would be in the fitness of things to

direct the respondent No.2 to take a decision on the claim of the applicant in terms of the decision dated 3.3.2016 within a period of three months from the date of receipt of a certified copy of this order. No costs.

Place: Jaipur
Dated: 28.07.2016

HC*

(SANJEEV KAUSHIK)
MEMBER (J)

(MS. MEENAKSHI HOOJA)
MEMBER (A)

