

5/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 399/2000.....

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 399/2000

..... Sri L. N. Yadav Applicant.
Versus

Union of India & Ors Respondents.

For the Applicant(s) *in person*

For the Respondents. *Dr. B.P. Todi, KVS.*

NOTES OF THE REGISTRAR

DATE

ORDER

This application is in form
but not in the prescribed
form.

22.11.00 present : The Hon'ble Mr Justice
D.N. Chowdhury, Vice-
Chairman.

Application is admitted. Issue
usual notice. Dr B.P. Todi, learned
counsel for KVS is present.

List on 1.1.2001 for written
statement and order.

[Signature]
Vice-Chairman

The application is
filed in form along with
requisite envelopes.
But in the body of the
petition the annexes
are not mentioned
in proper ways.

The applicant shall
appear in person.
Laid to the order.

Sri L.N. Yadav, the appli-
-cant appearing in person is
present. The respondents are
yet to submit its written state-
-ment. Four weeks further time
is allowed to the respondents to
file written statement.

List on 30.1.2001 for
written statement and further
orders.

[Signature]
Vice-Chairman

mk

*Put up after
compliance.*

Notice prepared and sent to D/Is for
concerning the Respondent No. 1 to 4 vide D/No
3752 to 2954 dated 4/12/00

30.1.01 List on 22.2.01 to enable the respondent to file written statement. if any. Pendency of this application shall not stand on the bar of the respondents to consider the case of the applicant in the meantime.

① Service report are still awaited.

② No written statement has been filed.

K. C. Sharma
Member

[Signature]
Vice-Chairman

lm

24
20.2.01

22.2.01 List on 20.3.01 to enable the respondents to file written statement.

K. C. Sharma
Member

[Signature]
Vice-Chairman

lm

No written statement has been filed.

20.3.01

24
19.3.01

The respondents has not filed the written statement till now, though time were granted earlier. Three weeks further time is allowed to file written statement on the prayer of Mr.S.Sarma, learned counsel for the respondents. List on 12.4.01 for orders.

K. C. Sharma
Member

[Signature]
Vice-Chairman

lm

11-4-01
No written statement has been filed.

12.4.01

Applicant is absent. The counsel for the respondents seeks for some time to file written statement. Prayer allowed. List on 8.5.2001 for written statement and further orders.

[Signature]
Vice-Chairman

trd

NO N/S has been filed.

9.5.2001

No written statement so far filed. The respondents are ordered to file written statement within three weeks as a last chance. List on 31.5.2001 for written statement and further orders.

K. C. Sharma
Member

[Signature]
Vice-Chairman

trd

NS
21/5/01

7 3

Notes of the Registry	Date	Order of the Tribunal
	31.5.01 (Kohima)	<p>Present : The Hon'ble Mr Justice K. Agarwal, Chairman. The Hon'ble Mr K.K.Sharma, Administrative Member.</p> <p>On application made on behalf of the respondents the O.A is stood over in order to enable the respondents to put in their written statement.</p> <p>List on 3.7.01 for order.</p> <p><i>Pro</i> By order</p>
<p>5.6.2001</p> <p>W/S has been submitted by the respondent No. 2, 3 and 4.</p> <p><i>Pro</i></p>	03.07.01	<p>Nobody appears on behalf of the applicant. Written statement has been filed. The respondents are directed to serve the copy of the written statement to the applicant by registered post.</p> <p>List for hearing on 17-8-2001.</p> <p><i>CC Sharma</i> Member</p>
	17.8.01	<p>The case was listed for hearing today. The respondents served a copy of the written statement in the Court today. For that purpose the applicant is given little accommodation to go through it.</p> <p>List again on 21.8.2001. The applicant may file a rejoinder, if any, in the meantime.</p> <p><i>CC Sharma</i> Member</p> <p><i>CC Sharma</i> Vice-Chairman</p>
<p>28.8.2001</p> <p>Copy of the judgment has been sent to the office for issue to the L/Advocate for the Respondent.</p> <p>Received copy of judgment O.A 399/2000</p> <p><i>CC Sharma</i> 28.8.2001</p>	<p>pg</p> <p>21.8.01</p> <p>pg</p>	<p>Heard counsel for the parties. Hearing concluded. Judgement delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.</p> <p><i>CC Sharma</i> Member</p> <p><i>CC Sharma</i> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p> <i>[Faint, illegible text in the first column, likely bleed-through from the reverse side of the page.]</i> </p>		

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 399 of 2000.

Date of Decision. 21-08-01....

----- Shri L.N.Yadav -----

----- Petitioner(S) -----

----- In person -----

----- Advocate for the
Petitioner(s) -----

-Versus-

----- Union of India & Ors. -----

----- Respondent(s) -----

----- Sri S.Sarma -----

----- Advocate for the
Respondent(s) -----

THE HON'BLE MR. JUSTICE D.N. CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Vice-Chairman.

~

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 399 of 2000.

Date of Order : This the 21st Day of August, 2001.

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr K.K. Sharma, Administrative Member.

Shri L.N. Yadav,
Yoga Teacher
Kendriya Vidyalaya,
Dimapur, Nagaland

. . Applicant

Applicant appeared in person.

- Versus-

1. Union of India
through the Secretary,
Ministry of Human Resource Development,
New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahid Jeet Singh Marg,
New Delhi.
3. The Deputy Commissioner (Admn.)
Kendriya Vidyalaya Sangathan,
New Delhi.
4. The Assistant Commissioner,
K.V.S. Regional Office,
Silchar Region,
Silchar.

. . . Respondents.

By Advocate Sri S. Sarma.

O R D E R

CHOWDHURY J. (V.C)

The applicant is working as Yoga Teacher in Kendriya Vidyalaya since 24.10.81. He was confirmed as a Yogo Teacher with effect from 24.10.83. He ~~was~~ a graduate in Punjab University and passed nine months Diploma in Yoga from Kaivalyadhama Shreeman Madhava Yoga Mandira Samiti Lonavla, Dist. poona. On the recommendation of the 5th Central Pay Commission the pay structure of the Yogo Teachers was revised. Accordingly the KVS authorities recommended a 3 tier pay scale in the following fashion :

contd..2

"Entry Scale Rs. 5,500-175-9000
Senior Scale Rs. 6,500-200-10,500
Selection Scale Rs. 7,500-250-12000."

On the recommendation of the DPC senior scale was granted to the teachers of Kendriya Vidyalaya. The DPC also recommended the case of the applicant who was at the relevant time drawing ^{revised} pre-v/scale to the senior scale of Rs. 6,500-10,500/-. Accordingly office order dated 26.4.99 was passed. As a Yoga Teacher the pre-revised scale of the applicant was Rs. 1400-2300/-. Consequent upon the order the scale of the applicant was fixed with effect from 1.1.96 as under :

"Date	Pay in ordinary scale as on 1.1.96 Rs.5500- 175-9000	Pay in Senior Scale of Rs.6500- 200-10500
1.1.96	(6200)	6500 with the date of next increment 1.5.96 if other- wise admissible".

Necessary entry regarding fixation of pay ~~xx~~ was accordingly made intimating the applicant. While things rested at this stage, the impugned communication dated 8.5.2000 (Annexure-A) was issued issuing certain clarification regarding fixation of pay which is re-produced below :

"In this connection it is clarified that the period of residence required to move from one tier ~~xx~~ of the scale to the next tier is with reference to the period the person concerned is borne in that scale. The period of residency does not have any correlation with the length of service the person may have been in service before coming into a scale in the present case since he eligible Yoga Teacher would be taken into this scale with effect from 1.1.96 only all of them would be placed at the lowest tier of the scale and their residency period would start from there. ~~xxxxxx~~."


Sequal thereto by order dated 30.3.2001 the office order dated 21.4.99 was cancelled and thereby brought down the applicant to the pay scale of Rs,5500-9000/ from Rs.6500-10500/- The legitimacy of which is under challenge.

A

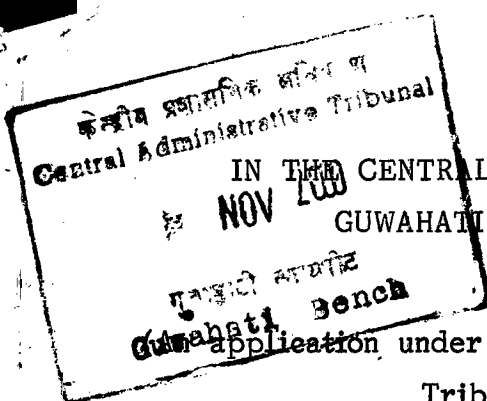
2. The respondents filed written statement and contended that the applicant could only be fitted in the entry pay scale with effect from 1.1.96 before granting him the senior pay scale. It was also contended that the senior pay scale was wrongly granted which was withdrawn in the order dated 30.3.2001. The letter dated 26.3.2001 granting senior pay scale to the applicant was neither furnished to the applicant by the respondents nor the same was produced before us. Be that as it may, the respondents could not have taken such a step without giving the applicant a proper opportunity. The impugned action on the part of the respondents to bring down the applicant to the lower scale could not have been taken without giving any opportunity. That apart the applicant could not be treated as new entrance and he could not be fitted in the entry scale. The impugned order of cancellation and/or withdrawal of higher scale is visited with civil consequences. Thus the impugned action in violation of the principles of natural justice is unsustainable in law.

3. In course of his submission Sri L.N.Yadav submitted that he is entitled to the senior scale and therefore the Tribunal should issue a direction granting him the senior scale on the basis of the materials on record. It is difficult on our part to issue such direction. We however leave it to Sri Yadav to make appropriate representation before the authority for considering his case for his due entitlement. If such representation is made the respondents shall consider the same and pass necessary order thereon within a period of 2 months from the date of receipt of the representation.

With this observation the application stands disposed of. No order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:: GUWAHATI.

Guwahati Bench

Application under section 19 of the Administrative
Tribunal Act, 1985)

Title of the case : O.A. No. 399/2000.

Shri L. N. Yadav : Applicant.

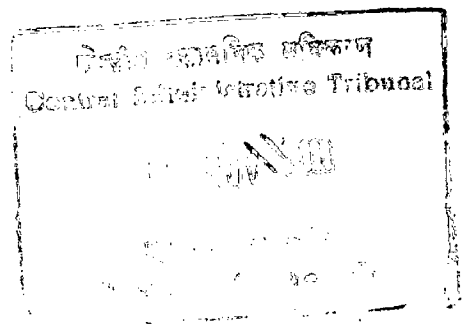
-Versus-

Union of India and others : Respondents.

I N D E X

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(1B)	Selection scale w.e.f.1.4.84.	13 B
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18.	Annexure No.16 three months training in Yoga,N.Delhi	28
19.	Annexure No.17 unstarred question in Lok Sabha 5950	29
20.	Annexure No.18 appointment letter BOG 58 Meeting T.A.DA unstarred Q. N1485	30 31
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22.	Annexure No.20 T.A.D.A. unstarred question 1483 in R.Sabha	30
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24.)) 22. Term NO 8 63 BOCME	
25.		

File by L.N.Yadav Applicants
dt. 17-11-2000.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

(An Application under Section 19 of the Administrative
Tribunal Act, 1985)

Original Application No. 399/2000.

In the matter of :

Shri L. N. Yadav

Yoga Teacher

Kendriya Vidyalaya,

Dimapur, Nagaland,

...Applicant.

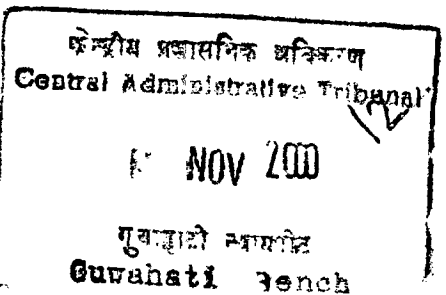
- Versus -

1. Union of India and others
through the Secretary,
Ministry of Human Resources,
Government of India,
New Delhi.
2. The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shadeed Jeet Singh Marg,
New Delhi.
3. The Deputy Commissioner,
(Administration)
Kendriya Vidyalaya Sangathan,
New Delhi.
4. The Assistant Commissioner,
K.V.S. R.O., Hospital Road, Silchar

....Respondents

Adh

Contd...2/-



: 2 :

DETAILS OF APPLICATION.

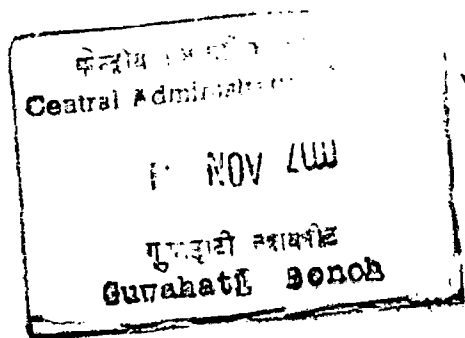
1. Particulars of the order against which the application is made.

The Applicant is filling the present application seeking quashing of the order No.JF No.18-1/99-KVS (Admn 1) dated 08/05/2000 ^{copy attached on Annexure No 1 A} and Order No.13 Government of National Capital Territory of Delhi Directorate of Education Establishment IV Branch Old Sectt.Delhi-54. Selection Grade List w.e.f. 1/4/84. (copy enclosed Annex. No. 1) Revision of Pay Scale of Yoga Teacher in KVS classification regarding (Grant of Senior and selection scale to Yoga teacher) has denied the Yoga teachers their due selection scale from 1983 in spite of over 20 years of continuous service since 1981. Unlike the Yoga teacher of N.C.T. of Delhi. Had informed that 457 Yogo Teacher were appointed in 1982-83 . Among of them 91 Yoga teacher were given the selection grade as per Rajya Sabha Unstared question No.163 (To be answered on March 5th , 1999) Copy enclosed as Annexure No.2.

Yoga teachers of Kendriya Vidyalayas having at per with their counter parts in the N.C.T. of Delhi viz. possessing a Bachelor Degree with Three months training in Yoga from recognised institution . On the recommendation of Department Promotion Committee Yoga Teachers are granted ^{Selection grade} Promotion Committee . Yoga Teachers are granted selection grade in the pay scale of Rs.740-880(now revised to Rs.1640-2900) w.e.f. April 1,1984 (alrady copy enclosed in Annexure No.1) The above order is Violative

[Signature]

Contd....2/-



: 3 :

of the Policy of the Govt. of India regarding selection and senior scale of employee i.e. that has been denied. The applicant has already felt there is a room enough to believe that applicant has been shown a bit of bias (base). The applicant sent representation to the authorities from time to time for the selection and senior scale.

2. Jurisdiction of the Tribunal.

The application declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

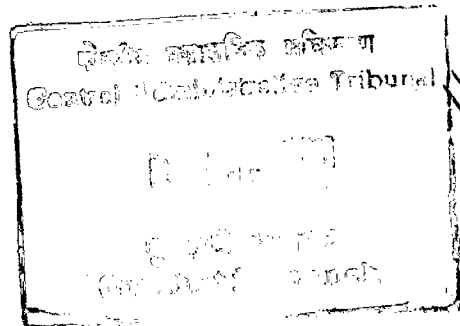
3. Limitation.

The applicant further declares that the applicant is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

4.1 The applicant is working as a Yoga Teacher in the Kendriya Vidyalaya Sangathan since 24/10/81 and confirmed w.e.f. 24/10/83. and Graduate from Punjab University and has passed nine months Diploma in Yoga Education from Kaivalyadhama (Shreeman Madhava Yoga Mandira Samiti Lonavla, Dist. Poona) (from August, 1980 to April, 1981). Kaivalyadhama has been accepted as the NATIONAL INSTITUTION IN THE FIELD OF YOGA EDUCATION. The applicant has attended in service course June, 91 to June 21, 1991 in technical collaboration with Lakshmi bai National College of Physical Education Guwalior (copy enclosed as Annex. NO. 5).

Contd...4/-



: 4 :

5. 4.4 The applicant has passed certificate course in Gymnastics under the Mass sports participant programme from Netaji Subhas National Institute of Sports in 1977. Copy enclosed as Annexure No.6.

4.5 The applicants has also Experience in Physical Training Instructor at Mangen Hr.Sec.School directorate of Education Dept. of Education Govt.of Sikkim. (copy enclosed as Annexure No.7)

4.6 The applicant is specialist in the field of Yoga apreiation letter by Dr.J.S. Makhani Prop. & Head of Department of Orthopaedic Sursergy Goa Medical College on 3/7/81. (copy enclosed as Anne.No.8)

4.7 The Applicant is specialist in Chronic diseases and having very rich knowlege on disease and preventation and cure. The applicants character and conduct are exemplary. Applicants of Yoga Teaching has a nice effect and impact on students vide Appreciation certificates issued by the them Principal of Kendraiya Vidyalaya Madurai (Tamil Nadu) vide MDU No.6-4/82-83/LNY/273 dated July,31, 1983.(copy encoosed as Annexure No.9)

4.8 The applicant has also ^{been} appreciate by Dr.Venkata-
pia Prop .& Head of the Dept. of POHARMA
nology in its certificate says that the Appli-
cant is a specialist in the field of Yoga and ~~q~~its
various applications. (copy enclosed as Anex.No.10).

Contd...5/-

: 5 :

गुजरात राज्य
कुवहात डोच

4.9 The applicant was also appreciated by Dr. K.R. Jacop. M.S. (Dean) Govt. Medical College of Maduri (Tamil Nadu) as per his certificate he wants to inform the public that the applicant is an expert in Yoga . The Applicant is skilled in art (Yoga). The Applicant developed more concentration and kept him more physically and mentally Fit and left an indelible impression in his mind. (Copy enclosed as Annex.No.11)

4.10 The applicant was also appreciated by Dr. S. Bhatnagar, Director of Punjab University. as per his letter dt. 7th Feb, 1985. The applicant is specialist in Yoga. He is one of those learned person who have a developed special exercise for various type of Chronic diseases such as spndylitis, Diabetes, High Blood Pressure, Digestive ailments and the live Appedix (copy enclosed as Annex.No.12)

4. 11 The applicant was confirmation ^{ed in service} on 24-10-1983 by the office order No.F-24-1/99/DVS (AR) - Kendriya Vidyalaya Sangathan , Ahmedabad Region. (copy enclosed as Annex.No.13)

4.12 The applicant was fixed of pay in Senior Scale granted w.e.f. 1-1-1996 in the senior scale 6500-200-10500. vide letter no.F-4-1/99-2000/KVS(AR) Accts. dated 26 April, 1999. (copy enclosed as Annex.No.14)

Adh

Contd...6/-

NOV 2000

गुवाहाटी बेंच
Guwahati Bench

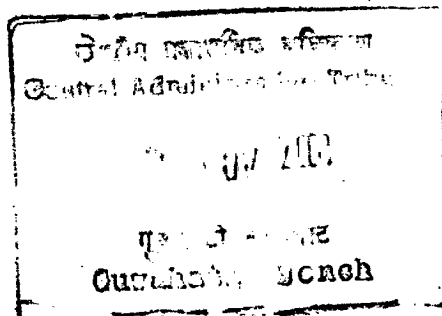
: 6 :

4.13 The applicant send a representation to the Commissioner (KVS) (HQ.) New Delhi on the stamp paper of Rs.2/- each five sheets dated 17/2/98 regarding pay scale of Yoga Teacher at per with per and Yoga Teacher NCTO Govt.of Delhi. In this connection then the Deputy Commissioner (ACAD) informed that as soon as the decision is conveyed by the Ministry of HRD, the same will be communicated. Vide letter No. F.18-3/98-KVS(ADMN-I) dtd. 24-2-98. (copy enclosed as Annex.No.15.).

4.14 In spite of ^{granting} ~~getting~~ the senior or selection grade the authority send the applicant in 3 months training Yoga alongwith unqualified (Yoga Teachers who have only one month training in Yoga). The applicant has already has passed nine months training in Yoga from Kaivalyadhama , G.S.College of Yoga in session 1980-81). How injustice was done with the applicant (copy enclosed as Annex.NO.16).

4.15. The Yoga teaching scheme was introduce in Kendriya Vidyalaya, purely on an experimental basis initially for a period of one year. Since the scheme was ~~Revised~~ as temporary and experimental the essential qualifications prescribed were Matriculation /Higher Secondary with a practical knowledge and experience of Yoga training. The scheme was extended on yearly basis. As per LOK SABHA UNSTARRED QUESTION NO.5950 to be answered on 3rd May, 1994 as per answer Deputy Minister for education & culture in the Ministry of Human Resource Development (KUM.SELJA).

Contd...7/-



: 7 :

4x17x (copy enclosed as an Annex.No.17) (LOK SABHA UNSTARRED QUESTION NO5959).

4.16 On dt. 27/12/88 The Board of Governors ^{of} OKVS was decided in 52 ~~seend~~ meeting that the essential qualifications ~~pescribed~~ Graduation plus minimum 9 months to 1 year training in Yoga in a recognised institution be confirm^{ed}. The Yoga teacher who do not posses ~~teh~~ requisite qualification will continue in the pay scale of Rs.1400-2300 untill and unless they acquire the required qualification.

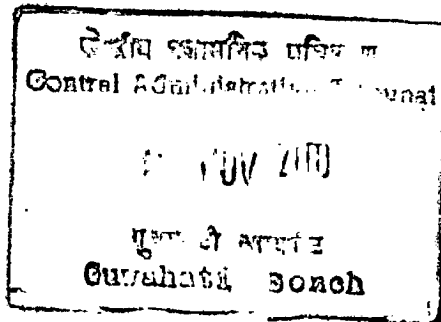
4.187. The service of Yoga Teacher who failed to acquire the qualification (Graduation plus nine month training in Yoga Education) with the prescribed period (4 years) for graduation plus two year for nine month training in yoga Education will be liable to be terminated.

4.198. From 27/12/88 plus 6 year means 1994 to till date no action has been taken by the authorities ^{for} ~~are~~ the termination of service who have not acquired the requisite qualification as prescribed period has ^{been} already over.

4.2019. The competent authority accorded permission to Yoga Teacher for appearing in higher examination even beyond the limit of 10% prescribed in education code of Kendriya Vidyalaya Sangathan sstrictly for the purpose of enabling them to acquire higher qualifications by them.

[Signature]

Contd....8/-



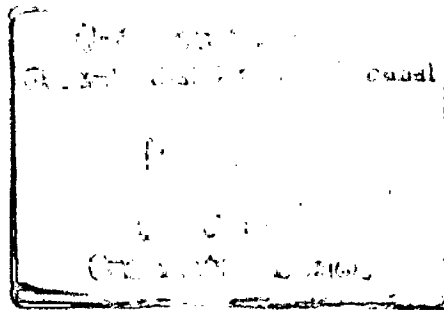
: 8 :

4.2b In its 58th meeting held on 20/4/95 the Bords of Governor decided that Yoga Teacher Prossessing a Bachelor's Degree with 3 monhts training in Yoga from a recognised institution may be confirmed. Because unqulified Yoga Teacher became incurable headache for KVS Authorities. (copy enclosed as per Annex.NO.18).

4.2a Not only this like VIRAPPAN the ^{Debut} Dakaits of ^{Summugler} Chandan & Murd^{star}ers who kidnaps Dr.Rajkumar Filmstar to save VIRAPPAN ther Government of Tamil Nadu and Karnataka wants to TADA Case culprits. KVS have issued order for grant of T.A. and D.A. for participate for such Yoga Teacher who have completed training programme conducted from 2/5/97 to 1/8/97 ata Lonawala and from 5/5/98 to 4/8/98 at New Delhi.(Copy enclosed with the RAJYA SABHA unstard Question No.1483 to be answered on 11 Dec, 1998). The answer given by Ministry of Human Resource Development (Dr.Murli Manohar Jushi) (copy enclosed as Annex.No.19).

4.2c In the above ^{annexure No} question was informed the applicant ^{that} has not been confirmed since a disciplinary case is pending against him. As per order NO. 6-9/98/KVS/(AR) dt. 23/2/99. The Assistant Commissioner and Disciplinary Authority writes in that letter in para No.6 , has come to the conclusion the charges of misconduct/misbehave levelled against Sri L.N.Yadav are not maintainable and required no further inquiry into the case. and order to dropo all the charges levelled against Sri L.N.Yadav vide charge no.F6-9/98/KVS(AR) dated 20/3/1998). (copy enclosed as Anex.No.20).

: 9 :



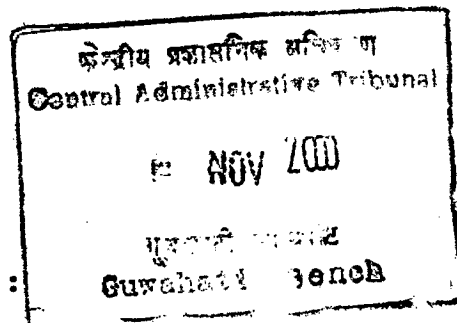
4.24, As per Letter No.F-12-17/97-KVS(Admn.-I dt. 3/2/99 as per Yoga Teacher Possessing a Bachelor's Degree with 3 months training in Yoga from a recognised Institution. working in Kendriya Vidyalaya w.e.f. 1/1/96.

Entry Scale	Senior Scale	Selection scale
5500-175-9000	6500-200-10500	7500-250-12000

Yoga Teacher not possessing qualifications mentioned at (A) above. will be entitled RS.4500-125-7000 no senior & selection scale be given until they acquire the said qualification. (copy enclosed as Annex.No.21).

4.25 Since 1981 to 3/3/99 the unqualified Yoga Teacher ^{weaver} was taking the same scale equal to qualified trained teacher as Letter No.F-1/2000-KVS(O&M) dtd.11/9/2000 the joint commissioner (Acad) writes to All Assistant Commissioner as you are aware that K.V.S. has taken the exercise to stabilize the sections in K.V.S. because of budget constraint and to use the available infrastructure created by K.V.S. The Staff sanction also taken out from those K.V. who have more than three i.e. totally unjustice. ~~(copy enclosed as Annex.No.22).~~

4.26 As per Rajya Sabha unstarred question No.405 to be answered on 3/12/99. In that question Hon'ble Minister of state in the Ministry of H.R.D. replied the Govt.is not going to make certain modification ~~in~~ ⁱⁿ Policy pertaining to Yoga Teacher being imparted in K.v.S.. ~~(copy enclosed as Annex.No.23).~~



: 10 :

5. Ground for relief with legal provision:

5.1 The applicant has passed the Graduation from Punjab University and 1 year diploma in Yoga Education from Kevalyadham. The Applicant has also passed certificate in sports from National Institute of force. The applicant has been appreciated by many doctors, professors and Head of the Departments . The principal of Madurai the Dean Govt. Medical college ,Madurai and Registrar of Punjab Yuniversity has appreciated him with their certificates that can be seen from Annexure No.3 to 16.

5.2 As per Order No.13 dt.3/3/94 like and C.T. ^{to the applicant} the selection grade also be given to me since 1982-83 as Yoga Teacher were appointed in 83 in N.C.T. of Delhi Govt. had given to 91 Yoga Teacher granated selection grade from 1/4/1984. Their qualification was Graduation plus 3 months.

5.3 In K.V.S. the scheme was entruduce in 1981 on and experimental basis the essencial qualification was Matriculations plus knowlege of yoga. The scheme of Yoga Teacher in Govt.of Delhi (N.C.T.) was start from 1983 with the qualification graduation plus three month training the Board of Governor were apprised of this decision in their 63rd meeting held on 21 July,1998.

Handwritten signature

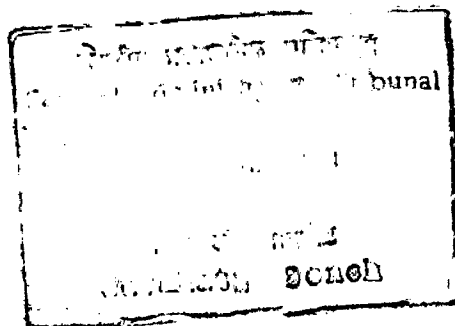
Guyana's Bench

7. MATTER NOT PENDING BEFORE ANY OTHER COURT/TRIBUNAL

8. RELIEF SOUGHT FOR:

8.1. Quashing and setting aside selection and senior scales order No. of Yoga teachers in K.V.S. Latter F No. 18-1/99-KVS (Adm 1) dated May 8th 2000. The applicant from selection and senior scale from 1983. As per Ntc Yoga teacher were given.

Contd.....12.



INTERIM RELIEF PRAYED FOR

9. The applicant does not pray for any interim relief in the case, However, the Hon'ble Tribunal may be pleased to direct the respondents that pendency of this application shall not be a bar for considering his case.

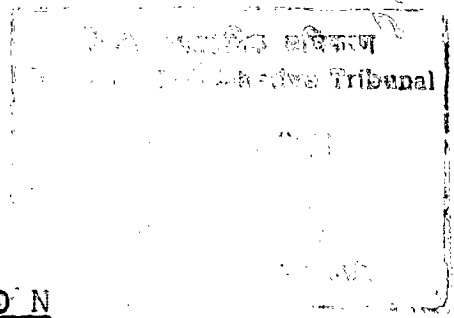
10. This application is filled by person (by the applicant self)

11. PARTICULARS OF POSTAL ORDER:

i. I.P.O. NO.	26503852
ii. Date of issue	: 14/11/2000.
iii. Issued from	: G.P.O. Guwahati.
iv. payable at	: G.P.O. Guwahati

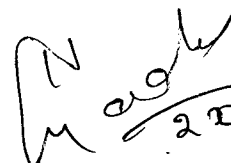
12. List of ~~ex~~ enclosures:
As stated in the index.

12A



VERIFICATION

1. Shri L.N.Yadav, Yoga teacher working in Kendriya Vidyalaya, Dimapur, 46 yr. old do hereby the statement in paragraph 1 lto 12 are true to my knowledge and have no suppressed any material of fact. And I sign this verification on this the day of 16th Nov. 2000, at Guwahati.


20/11/20

SIGNATURE

KENDRIYA VIDYALAYA SANGATHAN

F.No. 18-1/99-KVS (Admn 1)

Dated : 08-05-2000

The Assistant Commissioner

K.V.S., All Regional Offices

Subject : Revision of Pay Scale of Yoga Teachers in Kendriya Vidyalaya-
yas clarification regarding.

Sir/Madam,

✓ In continuation of this office letter of even number dated 3/1-2-1999 on the subject cited above, I am to say that references have been received from various quarters seeking clarification regarding the manner in which the three tier pay scales circulated vide letter referred to above will be given effect. In this connection it is clarified that the period of residency required to move from one tier of the scale to the next ~~tar~~ tier is with reference to the period the person concerned is borne in that scale. The period of residency does not have any correlation with the length of service the person may have been in service before coming into a scale in the present case since he eligible Yoga Teacher would be taken into this scale with effect from 01-01-1996 only all of them would be placed at the lowest tier of the scale and their residency period would start from there. Copies of this letter may be sent to all the Kendriya Vidyalaya under your jurisdiction for information and compliance. This issues with the approval of the Competent Authority.

A Hested by the Applicant
Rade

Yours faithfully,

sd/-

(S B Chaturvedi)

Dy. Commissioner (Acad)

Copy to:

1. All Officers/Sections at KVS (Hqrs)
2. All recognised Teachers Associations
3. F.No. 18-3/96-KVS(Adm-1)
4. Kendriya Vidyalaya, Moscow/Kathmandu
5. Guard File.

SELECTION GRADE LIST W.E.F. 1.4.84

YOGA TEACHERS

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI;
DIRECTORATE OF EDUCATION: ESTABLISHMENT IV BRANCH;
OLD SECTT: DELHI-54

Office Order No. 13

Dated: 03-03-1994

ORDER

On the recommendations of the Departmental Promotion Committee, the following Yoga Teachers (Male and Female) are hereby granted Selection Grade in the Pay Scale of Rs. 740-880 (now revised to Rs. 1640-2900) w.e.f. 01-04-1984 subject to completion of their probation period in accordance with the instructions issued by Government of India, Ministry of Education and Social Welfare vide their letter No. 42/27/71-UT- I dated 26th November 1971. They are entitled to draw the arrears to this effect from the above date. They are allowed selection Grade subject to condition that the benefit of selection grade will be withdrawn and amount drawn by them on this account will be refunded to the Government account if they are not found eligible for grant of Selection grade at a subsequent stage due to any change in the seniority for any reasons.

S. No.	Snty. Name of the teacher	Distt. where Working	D.O.B.	D.O.A.
No.	No.			as Yoga Tr.

Yoga Teachers (Male)

Slrj				
1.	1. Praveen Kumar Bhardwaj	North	30.7.59	7.1.83
2.	2. Nityanand Singh Thakur	West	30.11.53	10.1.83
3.	4. Vasudev Sharma	South	5.2.58	12.1.83
4.	8. Ish Kumar Ranora	North		

11.	13. Viran Devi (Dhingra)	South	8.2.52	11.1.83
12.	14. Harish Arora	North	6.6.53	05.1.83
13.	16. Neelam	Central	1.7.56	07.1.83
14.	18. Sunita Rao (Sharma)	South	12.5.59	13.1.83
15.	21. Amita Sethi	West	18.7.60	18.1.83
16.	22. Neelam	North	30.7.61	05.1.83
17.	24. Mini Sachdeva (Verma)	South	29.6.61	15.1.83
18.	293. Talsa Rani (SC)	South	10.5.54	05.1.83

(N.C. Ray)

Joint Director of Education (Admin.)

No. DE - 14 (06)/89/Estt. IV/Pl. I/9288-9368

Dated: 3.3.94

Copy forwarded to the following for information and necessary action:-

1. Dy. Director of Education, District East/West/North/South/Central, Delhi/New Delhi with the directions that the above orders in respect of Female Yoga Teachers at Seniority No. 10 & 12 above are subject to Vigilance Clearance at the District level.
2. The Education Officers of concerned districts.
3. All the Principals concerned.
4. All the PAOs, Delhi Administration, Delhi.
5. Controller of Accounts, Mori Gate, Delhi.
6. D.E.O. (Co-ordination) Directorate of Education, Delhi.
7. President GSTA, Delhi.
8. Teachers concerned through Principal /D.D.Es.
9. PA to Secy. (Edn.)/D.E./Addl.D.E. (A)/J.D.E. (A), Dte. of Edn., Delhi.
10. Guard File/Office Order File.

(N.C. RAY)

JOINT DIRECTOR OF EDUCATION

राज्य सभा

28

तारांकित प्रश्न संख्या: 133

उत्तर देने की तारीख 5 मार्च, 1977

14 फाल्गुन, 1920 § शक §

'योगा' प्रशिक्षकों के सेलेक्शन ग्रेड पद

* 153. श्री जलालुद्दीन अंसारी :

श्री गोविन्दराम मिरी :

क्या मानव संसाधन विकास मंत्री यह बताने की कृपा करेंगे कि :

§क§ क्या तीसरे केन्द्रीय वेतन आयोग की सिफारिशों के कार्यान्वयन के अनुसरण में भिन्न-भिन्न संवर्गों के कुल पदों के 20 प्रतिशत पद सेलेक्शन ग्रेड पदों में परिवर्तित कर दिए गए थे ;

§ख§ यदि हां, तो क्या 'योगा' प्रशिक्षकों के पदों को भी इस व्यवस्था के अन्तर्गत परिवर्तित कर दिया गया था ; और

§ग§ यदि नहीं, तो उसके क्या कारण हैं और इसका तर्कधार क्या है?

उत्तर

मानव संसाधन विकास मंत्री § डा० मुरली मनोहर जोशी §

§क§, §ख§ और §ग§: एक विवरण सभा पटल पर रख दिया गया है ।

योगा शिक्षकों के सेलेक्शन ग्रेड पद के संबंध में श्री जगन्नाथसुन्दरान् अंतारंगी और श्री गोविन्दराम मिरी द्वारा 5.3.1979 को पूछे गये राज्य सभा तारांकित प्रश्न सं० 153 के भाग १क, १ख और १ग के उत्तर में उल्लिखित विवरण ।

१क तीसरे केन्द्रीय वेतन आयोग की सिफारिशों के आधार पर 'ग' और 'घ' संवर्ग में चयन ग्रेड की योजना 10% से लेकर 20% तक सरकार द्वारा कतिपय शर्तों के आधार पर 1.8.1976 से लागू की गई थी ।

१ख और १ग: राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार ने सूचित किया है कि 1982-83 में पहले से भर्ती किये गये योग शिक्षकों के 457 पदों में से 91 पदों को चयन ग्रेड पदों में परिवर्तित किया गया है। इसके अतिरिक्त योग शिक्षकों की कोई भर्ती 1982-83 के बाद नहीं की गई है। पाण्डिचेरी, लक्षद्वीप, अण्डमान व निकोबार द्वीपसमूह संघ राज्य क्षेत्रों ने सूचित किया है कि उनके स्कूलों में योग शिक्षकों के पद नहीं हैं। चण्डीगढ़ संघ राज्य क्षेत्र में केन्द्रीय वेतन आयोग के वेतनमान लागू नहीं हैं ।

इसी प्रकार, नवोदय विद्यालयों और केन्द्रीय तिस्रबती स्कूलों की स्वायत्त स्कूल पड़ोतियों से रिपोर्ट मिली है कि उनके स्कूलों में योग शिक्षकों के कोई पद नहीं हैं । केन्द्रीय विद्यालय संगठन ने सूचित किया है कि योग शिक्षकों की योजना 1981 में प्रायोगिक आधार पर शुरू की गई थी और उसकी अवधि वर्षानुवर्ष आधार पर 1986 में शासी बोर्ड द्वारा पुनरीक्षा करने तक बढ़ाई गई थी जब यह निर्णय लिया गया था कि योग को केन्द्रीय विद्यालय के शारीरिक शिक्षा कार्यक्रम के साथ मिला दिया जाये और योग शिक्षकों को नियुक्त किया जाये कि वे शारीरिक शिक्षा शिक्षकों के अतिरिक्त न्यायतायिक क्षैताओं को तीन वर्ष की अवधि में प्राप्त करें । केन्द्रीय विद्यालयों में पात्र योग शिक्षकों को 1.1.1975 से तीन स्तरीय वेतनमान कांचा प्रदान किया गया है

Punjab University

Bachelor of Arts

Certified that Laxmi Narain, son/daughter of
Shri Budh Rain, and of
the Rajasthan State, has
 obtained the degree in Bachelor of Arts of this University, having
 passed the examination for the said degree held in Sept., 1989,
 in the Third Division.

Additional subject passed : Hindi

Given under the seal of the University

[Signature]

Controller of Examinations

Chandigarh, Jan. 17

, 1990.



[Signature]

Vice-Chancellor

[Signature]

Chancellor

Annexure No 3 Page No 3

Kaivalyadhama
Shreeman Madhava Yoga Mandira Samiti
Lonavla (Dist. Poona)

This is to certify that

Shri Laxmi Narayan Yadav
(Session 1980-81)
of G. S. College of Yoga and Cultural Synthesis, Lonavla
has completed the course of studies, instituted
for the Diploma, to the satisfaction of the
authorities of the Samiti and so the

DIPLOMA IN YOGA EDUCATION

is conferred on him / her

In testimony whereof is set the seal of the Samiti.

Subjects for the course of studies were :

- I) Theory :
 1. Yoga and Mysticism
 2. Yoga and Cultural Synthesis
 3. Anatomy and Physiology of Yogic Practices
 4. Yoga and Mental Health
 5. Yogic Texts
- II) Practical Training in Yoga
- III) Practice Teaching

*He / She was placed in Grade Second in theory,
Grade Second in Practicals and Grade Third in Teaching.
Overall Grade Obtained Second.*

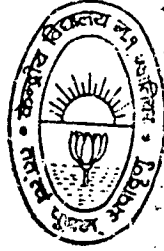
Laxmi
Secretary,
Kaivalyadhama
S. M. Y. M. Samiti

Maheshwamand
Chairman,
Kaivalyadhama
S. M. Y. M. Samiti

Lonavla 13th August 1978

M. Yadav
Signature of the Diploma-holder

Kendriya Vidyalaya Sangathan



IN - SERVICE COURSE IN PHYSICAL EDUCATION

शारीरिक शिक्षा सेवा कालीन प्रशिक्षण

CERTIFICATE

प्रमाण - पत्र

This is to Certify that Shri/Smt./Km. L. N. Yadav
E. T. /Yoga Tr. Kendriya Vidyalaya No. 1, Khetri Nagar
of JALPAIGURI Region has attended the In-Service Course in
 Physical Education organised by Kendriya Vidyalaya No. 1 Gwalior
 from 01-6-91 to 21-6-91 in technical Collaboration with Lakshmi Bai
 National College of Physical Education, Gwalior.

यह प्रमाणित किया जाता है कि श्री/श्रीमती/क. एल. एन. यादव
के. ई. टी. /योग शिक्षक केन्द्रीय विद्यालय खेती नगर सभाग
जयपुर ने शारीरिक शिक्षा सेवा कालीन प्रशिक्षण में भाग लिया जो कि केन्द्रीय विद्यालय क्र. 1 ग्वालियर द्वारा
 दिनांक 01-6-91 से 21-6-91 तक लक्ष्मीबाई राष्ट्रीय शारीरिक शिक्षा महाविद्यालय, ग्वालियर के
 सहयोग से आयोजित किया गया।

(Dr. Ajmer Singh)
 Prof. & Dean
 L. N. C. P. E., Gwalior
 &
 CHAIRMAN, VMC

(Dr. Rajendra Singh)
 Lecturer
 L. N. C. P. E., Gwalior
 &
 CO-ORDINATOR

(R. F. Mishra)
 Principal
 K. V. No. 1 Gwalior
 &
 DIRECTOR



नेताजी सुभाष
राष्ट्रीय क्रीडा संस्थान
मोती बाग, पटियाला 147001 (भारत)

दूरभाष : 74472
तार : नेटिनस्पोर्ट्स
टेलिक्स : 0394-204

निदेशक ।
रोशन लाल प्रानन्द

31
National Institute of Sports
Moti Bagh. PATIALA-147001. (INDIA)

Phone : 74472
Grams : NATINSPORTS
Telex : 0394-204

DIRECTOR
R. L. ANAND

NO:SRU/CC/38-19/86/NIS
May: 30, 1986

TO WHOM IT MAY CONCERN

This is to certify that Sh. Laxmi Narain S/o Sh. Budhram attended a Six Week Certificate Course in Gymnastics held at Gangtok (Sikkim) from 30.12.1976 to 9.2.1977 under the Mass Sports Participation Programme. He was deputed to undergo the course by the Education Department, Government of Sikkim. Sh. Laxmi Narain was placed under category B securing 63% aggregate marks in theoretical and practical examinations held towards the conclusion of the course.

(JAS BIR SINGH)
ASSISTANT DIRECTOR
FOR DIRECTOR GENERAL

प्रमाणित
केंद्रीय विभाग
को. एन. सी. अ. ई. अ.
जिला (प्रमाणित)

GOVERNMENT OF SIKKIM
Department of Education
Director of Education.



Amnuxhe No. 7 Page No

GANGTOK

Dated... 6 H. 3 ... 1978

No. 15859 / Edn.

This is to certify that Mr. Laxmi Narayan ~~Xxxxx~~ Yadav works as
Directorate of Education in the capacity of P.T. Instructor at Mangan
Hr. Sec. School for one year from April, 7 to May 77.

(N.C. Luckson).

Officer on special Duty.
Education Department.

19/03/77

मि. एन.
मि. एन. (अ. ए.)

Handwritten notes in vertical script, likely Nepali or Hindi, running down the right margin of the document.

100

7 READER THE MODE
8 NORMAL PRINT
9 GRAPHICALLY ON-SCREEN
0 GRAPHICALLY CH-
1 ANGES
2 NORMAL GRAPHICAL
3 CHANGE

[illegible]



Dr. J. S. Makhani

Professor & Head

Department of Orthopaedic Surgery

Gov Medical College,

PATNA-800 001

23.7.81

C E R T I F I C A T E

This is to certify that Shri. Laxmi Narayan Yadav,
a Yoga Expert is well known to us.

Shri. Yadav is a specialist in the field of Yoga and
its various application.

He is a young man with good mannerism and is good at
teaching the art of Yoga to those who are interested in this
science.

I have myself supervised his techniques and am fully
satisfied with his methods of teaching. I have no hesitation in
recommending Shri. Yadav as a teacher to those who wish to
avail his services.

I wish him success in his mission.

(Dr. J. S. Makhani)

34

V. VENKATAPPAH
PROFESSOR & HEAD
DEPARTMENT OF PHARMACOLOGY
MADURAI MEDICAL COLLEGE
Member:
Tamil Nadu Pharmacy Council
Pharmacy Council of India

NO. 4, VII EAST CROSS STREET
A. NA. NA. NA.
MADURAI - 625 02

Date 21 APR 83

C E R T I F I C A T E

This is to certify that Sri I. A. I. KARAIN YADAV working as Yoga Teacher in the Kendriya Vidyapeeth, Madurai is known to me for the last one year.

Sri Yadav is a specialist in the field of Yoga and its various application. He has a good knowledge of Yoga and he has given a good demonstration of the same. I myself supervised his techniques and am fully satisfied with his methods of teaching. He has been guiding many people suffering from Asthma, Diabetes etc. They have shown some improvement with some simple yoga exercises. People have been coming to him for out-patients and I.H.O. and other organisations have taken up the work of propagating this to bring down cases of Asthma, Diabetes and other chronic ailments including constipation, Arthritis, High blood Pressure, obesity, gastric problem and sex dis-order.

He deserves an encouragement.
I wish him success in all his endeavours.

V. Venkatarah

V. VENKATAPPAH 21/4/83
Professor of Pharmacology
Madurai Medical College
MADURAI-625 002

F:21-1/98-KVS(AR)

Dated : 21-4-99

OFFICE ORDER

On the recommendation of DPC, Sr. Scale is granted to the following teachers with effect from the date in the scale of pay as mentioned below against each individual:-

Sr. No.	Name and Designation of the Teacher	K.V. Where working	Date of apptt. in the present scale	Date of apptt. in the Sr. Scale
---------	-------------------------------------	--------------------	-------------------------------------	---------------------------------

PGT's : Ordinary Scale : 6500-200-10500
Sr. Scale : 7500-250-12000

1.	Smt. Raj Rani PGT(Eng.)	Rajkot	30-08-86	30-08-98
2.	Sh. U.S. Singh PGT(Eng.)	No.1 Surat	26-08-86	26-08-98

MISC. CATEGORIES : Ordinary Scale : 5500-125-9000
Sr. Scale : 6500-200-10500

1.	Sh. C.N. Chauhan PET	EME Baroda	19-09-86	19-09-98
2.	Sh. H.M. Shah PET	AFS Baroda	27-01-86	27-01-98
3.	Smt. B.B. Patel WET(G)	EME Baroda	18-09-86	18-09-98
4.	Sh. D.R. Solanki Drawing Tr.	Chandkheda	29-09-86	29-09-98
5.	Sh. K.D. Patel Drawing Tr.	SAC Ahmedabad	01-10-86	01-10-98
6.	Sh. N.K. Bohra Librarian	ONGC Baroda	30-09-86	30-09-98
7.	Smt. N.M. Bhatt Librarian	CRPF G'nagar	18-09-86	18-09-98
8.	Sh. Bharat Mehta Librarian	Rajkot	23-09-86	23-09-98
9.	Smt. V.S. Christian Librarian	SAC A'bad	19-03-85	19-03-97
10.	Smt. Asha Joshi Librarian	Dantiwada	28-02-85	28-02-97
11.	Sh. K.L. Awasthi Librarian	AFS Baroda	22-10-85	22-10-97
12.	Sh. S.S. Sinha Librarian (1640-200-10500)	AFS II Jamnagar	01-04-81	01-04-93

Yoga Teacher : Effective from 1-1-96 : Ord. Scale : 5500-175-9000

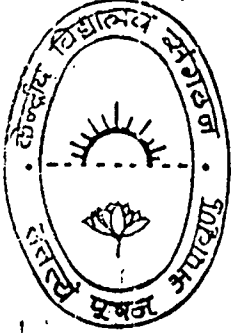
Sr. Scale : 6500-200-10500

1.	Sh. L.N. Yadav	ONGC Mehsana	24-10-81	01-01-96
----	----------------	--------------	----------	----------

A. Cs Tele/FAX No. 02712 21361

Gram : 'KEVISANG'

Tele Phone : 20711 } Admn. 'E'
21350 } Accounts



केन्द्रीय विद्यालय संगठन

(क्षेत्रीय कार्यालय-अहमदाबाद-संभाग)

KENDRIYA VIDYALAYA SANGATHAN

(Regional Office : AHMEDABAD REGION)

कार्यालय नं. ३६१/४, सेक्टर नं. ३०, गांधीनगर-३८२०३० (गुजरात)
Quarter No. 161/4, Sector No. 30, GANDHINAGAR-382030
(Gujarat)

NO. F-4-1/99-2000/KVS(AR)Accts.

दिनांक : 26 April 1999
Date :

To

The Principal
Kendriya Vidyalaya
ONGC, Mahsana

Sub:- Fixation of pay in Senior Scale
granted to Sh. L.N. Yadav, Yoga
Teacher w.e.f. 1-1-1996/

Sir,

Consequent upon the grant of Senior Scale w.e.f.
1-1-1996 to Sh. L.N. Yadav, Yoga Teacher vide this
Office letter No. F.21-1/98-KVS(AR) Dated 21-4-1999,
the pay of Sh. Yadav may be fixed as under:-

Date	Pay in ordinary scale as on 1-1-1996 Rs.	Pay in Senior Scale of Rs.
	55-175-9000	6500-200-10500
1-1-96	(6200) ✓	6500 with the date of Next incre- ment 1-5-96. if otherwise admissible ✓

Necessary entry regarding the fixation of pay
may be made in the Service Book of Sh. L.N. Yadav,
under proper attestation.

Yours faithfully,

Sh. S. M. K. WANA
(S. S. MAKWANA)
Supdt. of Account.

KENDRIYA VIDYALAYA SANGATHAN

18 - Institutional Area
Shaheed Jeeb Singh Marg
New Delhi - 11 0 016

No.P.18-3/98-KVS (ADM-I)

Dated : 24-02-1998

The Assistant Commissioner
Kendriya Vidyalaya Sangathan
ALL REGIONAL OFFICES.Sub. : Revision of Pay Scale of Yoga Teachers - Grant
of three tier pay scale.
.....

Sir,

I am to refer to the subject cited above and to say that a proposal for grant of Pay Scale to Yoga Teachers at par with TGTs/other Misc. Categories Teachers has already been sent to the Ministry of HRD for necessary approval. As soon as the decision is conveyed by the Ministry of HRD, the same will be communicated. KVs in your Region may be informed accordingly.

Yours faithfully,

(P.K. TIWARI)

DY. COMMISSIONER (ACAD.)

Copy to :-

1. All Recognised Teachers Associations.
2. Sh. Laxmi Narain Yadav, Yoga Teacher, KV ONOC Mahsana with reference to his representation on the stamp papers of Rs.2/- each (five sheets) dated 17-2-98.
3. E-IV Section together with representation on the stamp papers of Rs.2/- each (five sheets) dated 17-2-98 for taking action on other issues.
4. The Principal, KV ONOC Mahsana with a request to inform Shri LN Yadav, Yoga Teacher of his vidyalaya accordingly.

DY. COMMISSIONER (ACAD.)

KENDRIYA VIDYALAYA, INA COLONY ? NEW DELHI-43

4.8.1998

RELIEVING ORDER

Shri/Smt L. N. YADAV, Yoga Teacher,
Kendriya Vidyalaya No. Mehiana reported this
Vidyalaya on 4/8/98 FN/AN in connection with attending 3 months
Yoga Training Course (5th May 98 to 4th Aug 98) organised by KVS(HQ)
New Delhi vide Letter No. F4-1/96-KVS(Aca) Yoga Trg. Dated 28.1.98
He/She was relieved on 4.8.1998 (AN) after completion of the training
period.

He/She was not provided free boarding & lodging.

Sh/Smt L. N. YADAV
Yoga Teacher

K.V.No. MEHIANA

copy to:-

1. Principal, K.V. MEHIANA

(S.O. PADMAY)

NEW DELHI

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UNSTARRED QUESTION NO. 5950
TO BE ANSWERED ON 3RD MAY, 1994
VAISAKHA, 13, 1916 (SANG.)

APPOINTMENT OF YOGA TEACHERS IN KENDRIYA VIDYALAYAS

5950. SHRI. MURILIM SAIKIA:

Will the Minister of HUMAN RESOURCE DEVELOPMENT

be pleased to refer to the

reply given to Unstarred Question No. 4022 on April 19, 1994

- and state;
- the details of academic and professional qualifications which were considered sufficient at the time of initial recruitment of Yoga Teachers in Kendriya Vidyalayas in 1981-82;
 - when did the Board of Governors of KVS decided to change these qualifications;
 - whether these are applicable retrospectively;
 - if so, the reasons therefor;
 - whether the Kendriya Vidyalayas extended any facilities to these Yoga Teachers for enabling them to acquire the desired qualifications;
 - if so, the details thereof; and
 - if not, reasons therefor?

ANSWER

DEPUTY MINISTER FOR EDUCATION AND CULTURE IN THE
MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(KUM. SELJA)

नय संसाधन विकास मंत्रालय में शिक्षा और संस्कृति उप मंत्री : कुमारी सेलजा :

(b), (c) and (d): According to information furnished by Kendriya Vidyalaya Sangathan, the Yoga teaching scheme was introduced in Kendriya Vidyalayas purely on an experimental

... 2 ...

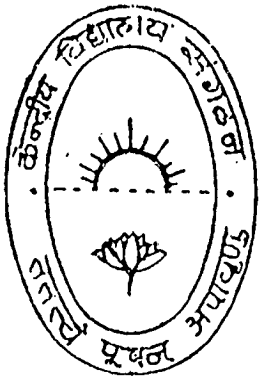
basis initially for a period of one year. Since the scheme was envisaged as temporary and experimental the essential qualifications prescribed were Matriculation/Higher Secondary with a practical knowledge and experience of Yoga training. The scheme was extended on yearly basis. The Board of Governors of Kendriya Vidyalayas Sangathan in its 52nd meeting held on 27.12.88, decided to make the scheme a regular one. Considering Pay-scale prescribed for the post and duties assigned to the Yoga Teachers in the regular scheme and the classes for which the Yoga teaching was extended, the following qualifications were prescribed:-

- 1) Graduation in any subject
- 2) Minimum 9 months to 1 year training in Yoga in a recognised institution

(g) Yes, Sir.

(f) and (g): The competent authority accorded permission to Yoga Teachers for appearing in higher examinations even beyond the limit of 10% prescribed in Education Code of Kendriya Vidyalaya Sangathan strictly for the purpose of enabling them to acquire higher qualifications by them.

* * *



केन्द्रीय विद्यालय संगठन

(क्षेत्रीय कार्यालय अहमदाबाद -महभाग)

KENDRIYA VIDYALAYA SANGATHAN

(Regional Office : AHMEDABAD REGION)

कार्यालय नं. 161/4, सेक्टर नं. 30, गांधीनगर-382030 (गुजरात)

Quarter No. 161/4, Sector No 30, GANDHINAGAR-382030
(Gujarat)

NO. F 6-9/98/KVS(AR)

दिनांक : 23 FEB 1999
Date :

ORDER

///WHEREAS, disciplinary proceedings under CCS(CCA) Rule, 1965 was contemplated against Sh LN Yadav, Yoga Teacher, Kendriya Vidyalaya, ONGC Mehsana as per the instructions contained in KVS(HQ) letter No. F 8-4/97-KVS(Vig) dated 07-01-1998.

02 WHEREAS, a preliminary inquiry against the said Sh LN Yadav, Yoga Teacher was ordered to inquire into the alleged charges of misconduct and unbecoming behaviour of Sh Yadav, appointing Dr SN Pandey, Principal, KV No. 1, MR Campus, Ahmedabad by the undersigned in the capacity of Disciplinary Authority vide office order No. F 6-9/98/KVS(AR) dated 23-01-1998.

03 WHEREAS, Dr SN Pandey, IO submitted Inquiry Report together with his observations and findings into the charges levelled against Sh Yadav, CO after conduct of inquiry vide his letter No. KVA/Conf/97-98/778 dated 04-03-1998.


04 WHEREAS, the undersigned, after careful examination and verification of documents on records of the case as well as Inquiry Report and findings of IO, issued charge sheet vide letter No. F 6-9/98-KVS(AR) dated 20-03-1998 to the said Sh LN Yadav, CO together with copies of preliminary inquiry and related documents informing the CO to submit his written statement of defence within 10 days of the receipt of the aforesaid memorandum dated 20-03-1998.

05 WHEREAS, Sh LN Yadav, CO submitted his written statement dated 04-01-1999 in defence against the articles of charge framed vide memo dated 20-03-1998 vide which he refuted all the charges and offered unqualified apology for the inconvenience and embarrassment caused to concerned persons.

: 02 :

06 WHEREAS, the undersigned, being the prescribed Disciplinary Authority, after considering the aforesaid statement/representation dated 04-01-1999 of Sh LN Yadav, CO in the light of articles of charge and supporting documents on record, and has come to the conclusion that the charges of misconduct/misbehaviour levelled against Sh LN Yadav, Yoga Teacher are not maintainable and require no further inquiry into the case.

07 NOW, therefore, the undersigned hereby orders to drop all the charges levelled against Sh LN Yadav, Yoga Teacher, vide charge memo No. F 6-9/98/KVS(AR) dated 20-03-1998.


(Dr UN Singh)
Asstt Commissioner &
Disciplinary Authority

Regd AD

To,

Sh LN Yadav
Yoga Teacher
Kendriya Vidyalaya
ONGC Mehsana

Copy forwarded to :-

Regd AD

- 01 The Principal, KV ONGC Mehsana alongwith a spare copy of above order for keeping in the Personal file of Sh LN Yadav, Yoga Teacher. He is also requested to make necessary entry in the Service Book of Sh Yadav.
- 02 The Asstt Commissioner(Admn), KVS New Delhi.
- 03 The Sr Administrative Officer(Vig), KVS New Delhi with reference to his letter No. F 8-4/97-KVS(Vig) dated 07-01-1998.

Asstt Commissioner

9/2229

ITEM NO. 8: TO REPORT REVISION AND GRANT OF 3 - TIER PAY SCALE TO YOGA TEACHERS IN KENDRIYA VIDYALAYAS.

With the concurrence and approval of the Financial Advisor of the MHRD and Chairman, Kendriya Vidyalaya Sangathan, the revised pay scales as per the recommendations of the Vth Central Pay Commission were implemented for Group 'A', 'B', 'C' & 'D' categories of teaching and non-teaching staff of Kendriya Vidyalaya Sangathan. The Board of Governors were apprised of this decision in their 63rd meeting held on 21st July, 1998.

2. The proposal for the revision and grant of 3 tier pay scale to Yoga teachers at par with their counterparts in the NCT of Delhi was then under consideration of the Ministry of HRD whose recommendations were subsequently concurred in by the Ministry of Finance (Deptt. of Expenditure) and after the approval of the Chairman, KVS, the following decision was taken:

a. Yoga Teachers of Kendriya Vidyalayas, having qualifications at par with their counterparts in the NCT of Delhi viz. possessing a Bachelor's Degree with three months' training in Yoga from a recognised institution, will be placed in the three tier pay structure indicated below w.e.f. 01-01-1996:

Entry Scale Rs. 5,500 - 175 - 9,000 ..

Senior Scale Rs. 6,500 - 200 - 10,500

Selection Scale Rs. 7,500 - 250 - 12,000

b. Yoga Teachers, who do not fulfil the prescribed qualifications, will be entitled to the above pay scales only from the actual date they acquire the qualifications. Till such time they will continue in the scale of pay of Rs. 4,500 - 7000 which is a replacement scale of Rs. 1,400 - 2300 w.e.f 01-01-1996.

3. The decision taken by the Chairman, KVS, has been implemented vide letter No. F.12-17/97-KVS(Admn-I) dated the 3rd February, 1999.

4. Submitted for favour of kind information of the Board of Governors.

तारांकित प्रश्न संख्या: 153

उत्तर देने की तारीख 5 मार्च, 1979

14 फाल्गुन, 1920 § शक §

'योगा' प्रशिक्षकों के सेलेक्शन ग्रेड पद

* 153. श्री जलालुद्दीन अंसारी :

श्री गोविन्दरामे मिरी :

क्या मानव संसाधन विकास मंत्री यह बताने की कृपा करेंगे कि :

§क§ क्या तीसरे केन्द्रीय वेतन आयोग की सिफारिशों के कार्यान्वयन के अनुसरण में भिन्न-भिन्न संघर्षों के कुल पदों के 20 प्रतिशत पद सेलेक्शन ग्रेड पदों में परिवर्तित कर दिए गए थे ;

§ख§ यदि हां, तो क्या 'योगा' प्रशिक्षकों के पदों को भी इस व्यवस्था के अन्तर्गत परिवर्तित कर दिया गया था ; और

§ग§ यदि नहीं, तो उसके क्या कारण हैं और इसका तर्कधार क्या है?

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मानव संसाधन विकास मंत्री § डा० मुरली मनोहर जोशी §

§क§, §ख§ और §ग§: एक विवरण सभा पटल पर रख दिया गया है ।

योगा प्रशिक्षकों के सेलेक्शन ग्रेड पद के संबंध में श्री जगजित सिंह अंतारी
और श्री गोविन्दराम मिरी द्वारा 5.3.1979 को पूरे राज्य
सभा तारांकित प्रश्न सं० 153 के भाग ४क, ४ख और ४ग के उत्तर
में उल्लिखित विवरण ।

४क तीसरे केन्द्रीय वेतन आयोग की सिफारिशों के आधार पर 'ग'
और 'घ' संवर्ग में चयन ग्रेड की योजना 10% से लेकर 20% तक सरकार द्वारा
कतिपय शर्तों के आधार पर 1.8.1976 से लागू की गई थी ।

४ख और ४ग: राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार ने सूचित किया
है कि 1982-83 में पहले से भर्ती किये गये योग शिक्षकों के 457 पदों में से 91
पदों को चयन ग्रेड पदों में परिवर्तित किया गया है। इसके अतिरिक्त योग शिक्षकों
की कोई भर्ती 1982-83 के बाद नहीं की गई है। पाण्डिचेरी, लक्षद्वीप, अण्डमान
व निकोबार द्वीपसमूह संघ राज्य क्षेत्रों ने सूचित किया है कि उनके स्कूलों में योग
शिक्षकों के पद नहीं हैं। पाण्डिचेरी संघ राज्य क्षेत्र में केन्द्रीय वेतन आयोग के
वेतनमान लागू नहीं हैं ।

इसी प्रकार, नवोदय विद्यालयों और केन्द्रीय तिस्रवीं स्कूलों की
स्वायत्त स्कूल पड़ौतियों से रिपोर्ट मिली है कि उनके स्कूलों में योग शिक्षकों के
कोई पद नहीं हैं। केन्द्रीय विद्यालय संगठन ने सूचित किया है कि योग शिक्षकों
की योजना 1981 में प्रायोगिक आधार पर शुरू की गई थी और उसकी अवधि
वर्षानुवर्ष आधार पर 1986 में शासी बोर्ड द्वारा पुनरीक्षा करने तक बढ़ाई गई
थी जब यह निर्णय लिया गया था कि योग को केन्द्रीय विद्यालय के शारीरिक
शिक्षा कार्यक्रम के साथ मिला दिया जाये और योग शिक्षकों को निवेश दिया
जाए कि वे शारीरिक शिक्षा शिक्षकों के लिए निर्धारित व्यावसायिक शर्तों
को तीन वर्ष की अवधि में प्राप्त करें। केन्द्रीय विद्यालयों में पात्र योग शिक्षकों
को 1.1.1975 से तीन स्तरीय वेतनमान का पदान दिया गया है।

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RAJYA SABHA

Unstarred question No.1198
To be answered on Date March 5, 1999
14 Phalgun, 1920(Sake)

Policy of Promotion to Kendriya Vidyalaya Teachers.

1198 Shri Gaya Singh,

Will the Hon'ble Minister of HRD please tell that:-

- a) Is it a fact that Kendriya Vidyalaya teachers called as 'Miscellaneous' are not For promotion under internal promotion Quota whereas trained graduate teachers of sbove su grade are entailed? And
- b) If yes, its reasons and basis?

ANSWER

Minister of HRD (Dr. M.M. Joshi)

(a)&(b) Accounting to Kendriya Vidyalaya Sangathan (Appointment, promotion and seniority) rules 1971, amended from time to time, 50% post as of PGTs & TGTs filled by promoting TGTs and PRTs Beside this on completion of 12 years service they are entitled for senior scale and further own complication of twelve years service they are entitle for selection grade .

The so called miscellaneous' category of teacher namely music teacher, Drawing Teacher, Physical education Teacher, Yoga Teacher, SUPW teacher and Librarians. The teacher of this category is entitled for senior scale and selection grade .

From these MISC. category, Drawing Teacher, Physical education Teacher are entitled to PGT . Music Teacher are not entitled for promotion to TGT.

Other teacher of MISC. category are not promoted to PGT as there are no such post available to them.

राज्य सभा

अतारांकित प्रश्न संख्या : 1198

उत्तर देने की तारीख 5 मार्च, 1999

14 फाल्गुन, 1920 ई शक ई

केन्द्रीय विद्यालय के शिक्षकों के लिए पदोन्नति का मानक

1198. श्री गया सिंह :

Page No 113 C

क्या मानव संसाधन विकास मंत्री यह बताने की कृपा करेंगे कि :

॥क॥ क्या यह सच है कि केन्द्रीय विद्यालय के शिक्षक जिन्हें सामूहिक रूप से "विविध" ॥मिसलेनियस॥ कहा जाता है, "आन्तरिक पदोन्नति कोटा" के अन्तर्गत पदोन्नति के पात्र नहीं है जबकि सट्टा ग्रेड के प्रशिक्षित रेगुलर शिक्षक इसके पात्र हैं, और

॥ख॥ यदि हां, तो इसके क्या कारण हैं और इसका मूलाधार क्या है ?

उ त्तर

मानव संसाधन विकास मंत्री ॥डॉ० मुरली मनोहर जोशी ॥

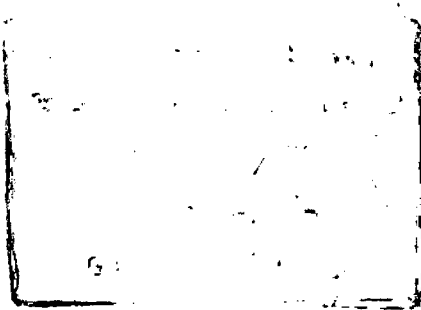
॥क॥ और ॥ख॥ : समय-समय पर यथासंशोधित केन्द्रीय विद्यालय संगठन ॥नियुक्ति, पदोन्नति, वरिष्ठता आदि॥ नियमावली, 1971 के अनुसरण में, स्नातकोत्तर शिक्षकों और प्रशिक्षित स्नातक शिक्षकों के 50% पद क्रमशः प्रशिक्षित स्नातक शिक्षकों और पी आर टीज में से पदोन्नति द्वारा भरे जाते हैं । इसके अतिरिक्त, प्राथमिक शिक्षक, प्रशिक्षित स्नातक शिक्षक और स्नातकोत्तर शिक्षक 12 वर्ष की सेवा पूरी करने पर वरिष्ठ वेतनमान के लिए और अन्य 12 वर्ष की सेवा पूरी करने पर प्रवरण वेतनमान के लिए पात्र हैं बशर्ते वे उसके लिए निर्धारित शर्तें पूरी करते हों ।

शिक्षकों की कतिपय श्रेणियों, नामतः संगीत शिक्षकों, कला शिक्षकों, शारीरिक शिक्षा शिक्षकों, कार्यानुभव शिक्षकों, पुस्तकालयाध्यक्षों, योग शिक्षकों को सामूहिक रूप से "विविध" श्रेणियां कहा जाता है । इन श्रेणियों के शिक्षक निर्धारित शर्तें पूरी करने पर वरिष्ठ वेतनमान और प्रवरण वेतनमान के लिए पात्र हैं । पूर्वोक्त

विविध शिक्षक श्रेणियों में से शारीरिक शिक्षा शिक्षक तथा कला शिक्षक प्रमर्शः स्नातकोत्तर शिक्षक [शारीरिक शिक्षा] और स्नातकोत्तर शिक्षक [कला] के रूप में पदोन्नति के लिए पात्र हैं ।

संगीत शिक्षक प्रशिक्षित स्नातक शिक्षक [संगीत] के रूप में पदोन्नति के लिए पात्र नहीं हैं क्योंकि प्रशिक्षित स्नातक शिक्षकों के पद केन्द्रीय विद्यालय संगठन में नहीं हैं । तदनुसार, स्नातकोत्तर शिक्षक [संगीत] के पद तीथी भर्ती द्वारा शत-प्रतिशत भरे जाते हैं ।

शेष विविध श्रेणियों के शिक्षक स्नातकोत्तर शिक्षक के रूप में पदोन्नति के लिए पात्र नहीं हैं क्योंकि ऐसे पद संबंधित विषयों में उपलब्ध नहीं हैं ।



Filed through:
P. Bhowmik
Advocate
5.6.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH

AT GUWAHATI

ORIGINAL APPLICATION NO.399/2000

Sri L N YadavApplicant

-vs-

Union of India & ors..Respondents

The respondent No.2 and 3 and
4 above named beg to file their
written statement as follows -

1. That all the averments and submissions made by the applicant in the Original application (hereinafter referred to in short as the application) are denied by the answering respondents save and except what has been specifically admitted herein and what appears from the records of the case.

2. That with regards to statements made in paragraph 4.1 to 4.10 of the application the answering respondents have no comments.

3. That with regard to statements made in paragraph 4.11 of the application the answering respondents have no comments as they are matters of record.

contd...

4. That with regard to statements made in paragraph 4.12 of the application the answering respondents beg to state that the applicant Sri L N Yadav was wrongly granted senior scale with effect from 1.1.96 by the AC concerned. The three tier pay scale has been adopted for this category of post with effect from 1.1.96 and the applicant is required to work in the entry pay scale of Rs. 5500 -9000 w.e.f. 1.1.96 to 31.12.2001 that is for 12 years to be eligible for grant of senior scale . The senior scale has been wrongly granted to sri L N Yadav. Therefore it has been withdrawn by the Assistant Commissioner, Kendriya vidyalaya sangathan (hereinafter referred to in short as (KVS) concerned vide office order No.F.21-1/98 -KVS(AR) dated 30.3.2001 .

Copy of the office order No.F 21-1/
98 -KVS(AR) dtd.30.3.2001 is annexed
herewith and marked as annexure-1.

5. That with regard to statements made in paragraph 4.13 of the application the answering respondents have no comments as they are matters of records.

6. That with regard to statements made in paragraph 4.14 of the application the answering respondents beg to state that the applicant does not

contd...

fulfill the eligibility criteria for grant of senior scale. on the other hand he is entitled to get the entry scale only as on date that is Rs. 5500-9000.

7. That with regard to statements made in paragraph 4.15 of the application the answering respondents beg to state that the pay scales of Yoga teachers of KVS cannot be compared with other posts of KVS or posts with identical nomenclature in other offices.

8. That with regard to statements made in paragraph 4.17 of the application the answering respondents beg to state that the qualification for the post of Yoga teacher was revised in the 52nd meeting of the Board of Governors held on 17.12.1988 and it was fixed as "Graduate with 9 months training in Yoga"

9. That with regard to statements made in paragraph 4.18 and 4.19 of the application the answering respondents beg to state that the submissions made by the applicant that services of yoga teachers who do not attain prescribed qualification are going to be terminated is not correct.

10. That with regard to statements made in paragraph 4.20 of the application the answering respondents have no comments.

11. That with regard to statements made in paragraph 4.21 of the application the answering respondents beg to state that the Board of Governor

of KVS in the meeting held on 20.4.95 further revised the qualification for yoga teachers as "Graduation and 3 months Yoga training from a recognised Institutions."

12. That with regard to statements made in paragraph 4.22 of the application the answering respondents beg to state that the submissions are indicative of wild imagination on the part of the applicant with no substance whatsoever .

13. That with regard to statements made in paragraphs 4.23 of the application the answering respondent beg to state that the submission made in this paragraph are not related to the case.

14. That with regard to statements made in paragraph 4.23 to 4.24 of the application the answering respondents have no comment as they are matters of record.

15. That under the facts and circumstances of the case it is respectfully prayed that the Hon'ble Tribunal may be pleased to dismiss the application with costs.

- VERIFICATION -

I, Shri D K Saini, son of Shri C L Saini, aged about 51 years, presently working as the Assistant Commissioner, Kendriya vidyalaya Sangathan, Maligaon chariali, Guwahati Region do hereby verify that the statements made in paragraphs 7, 9 are true to my knowledge and those made in paragraphs 4, 6, 8, 11 are based on records and nothing material has been concealed therefrom.

Place : Guwahati

Date : 5/6/2001

Atul Kumar
DEPONENT

Filed
LN YADAV
Imp
21/8/20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
AT GUWAHATI

ORIGINAL APPLICATION NO.399/2000

SRI. L.N. YADAV APPLICANT

- VS -

UNION OF INDIA & ORS.. RESPONDENTS

The applicant begsto file a rejoinder
as follows :-

1. That with regards to statements made in paragraph 4 to 15 of the written statement ~~as~~ the respondents the answering the applicant begsto state are denied.

2. That with regards to statements made in paragraph 4 of the respondents the answering applicant beg to state that Shri. G.R. Khurana Sr. Admn. Officer, KVS (H.Q.) New Delhi with reference to his letter NO.18-I/99 KVS (Admn. -I) dt. 26-3-2001 as per this letter senior Scale of the applicant has been withdraw. That letter has not given by the respondents to the applicant. The respondents give only Office order NO.F21-I/98 - KVS (AR) dt. 30-3-2001. In paragraph 4 The respondents answering the applicant is required to work in entry pay scale of Rs.5,500 - 9,000/- w.e.f. 1-1-96 to 31-12-2001. But as per Office order above said senior scale to yage Teacher cannot be granted before 01-01-2008. As per Hon'ble Chairman of KVS and Hon'ble Minister of HRD Govt.of India in RAJYA SABHA unstarred question NO. 1198 to be answered on March 5th, 1999. As per answer Misc. Categories teacher like Physical Education Teacher , Music Teacher, Yoga Teacher, SUPW Teacher etc. ~~ould~~ be taken into senior scale after 12 years of service as per KVS (Appointment, Promotion & seniority ect.) Rules - 1971

Copy of the Rajyasabha unstarred question No.1198 ~~is~~ is annexed herewith and marked as Annexure -1

3. That with regards to state ~~ments~~ made in Office holder No.F21-I/98 - KVS (AR) 30-3-2001 of the written statement of Paragraph No.4 Annexure - 1 of the written statement of the respondents the applicant answering beg to state that as per JODHPUR BENCH, Central Admn. Tribunal O.A. 284 and as also of the Hon'ble Suprem Court. "NO RECOVERY CAN BE MADE FROM AN EMPLOYEE, IF THE OVER PAYMENT WAS DUE TO WRONG CONSTRUCTION OF THE PART OF ADMINISTRATION."

Copy of 297 SWAMY'S CASE -LAW DIGEST -1996/IP.No. 444 is annexed here with and marked as annexure - 2 .

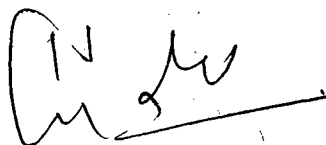
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4. That with regards to statement made in paragraph No.6 of the written statement of the respondents the answering applicant beg to state that the applicant fulfill the eligibility criteria for grant of senior scale and selection grade scale. From 1983 - '84 as follows :-

1. The applicant is working in KVS since 24-10-1981.as a yoga Tr.
 2. The applicant was confirmed w.e.f. 24-10-83
 3. Applicant is Graduate from Panjab University.
 4. Applicant has passed One year Diploma in Yoga Education ~~from~~ in session 1980 - '81 from KATVALYADHAM - LONAVALLA (Maharashtra) Kaivlyadham has been accepted as National Institution in the Field of Yoga education by the Ministry of HRD Govt. of India.
 5. Applicant has passed Certificate Course in Sports from N.I.S.
 6. The applicant has also Experience as a Physical Edn. Teacher at Government Higher Secondary School Mangan (Govt. of Sikkim).
 7. The applicant has attended in service course Lakshmi Bai National College of Physical education Guwalior and Jubbulpur.
 8. The applicant is specialist in the field of Yoga appreciation letter by Dr. J.S. Makhani Prop. & Head of Dept. of Orthopaedic (Surcery) Goa Medical College on 3-07-81.
 9. Appreciation letter issued by the Principal of KV Madurai (Tamil nadu) vide letter No. MDU No.6-4/LNY/273 dt. july 31, 1983 as per this letter (Certificate) the applicant is specialist in choronic diseases and having very rich knowledge on disease, prevention and cure. Yoga teaching has a nice effect and impact on students.
 10. The applicant was also been appreciated by Dr. Venkatapai Prop. & head of Dept. POHARMANOLOGY . and Dr. K.R.JAKOB M.S. Deam Govt. Medical College of Madurai (T.N.) ~~made~~ all above said are made in para graph 4.1 to 4.11 of O.A. 399 / 2000.
- The answering respondents have no comments as per written statement of the respondents para no. 2 & 3 .

5. That with regards to statement made in paragraph no.7 of the written statement of the respondents the answering applicant beg to state that the pay scale of yoga teacher of KVS can be compared with NCT(National Capital Territory) of Delhi. In NCT.of Delhi yoga teacher of KVS having qualification at par with their counter parts in the NCT of Delhi yoga teacher, VIZ possessing a Bachelor's Degree + three months training in yoga from recognised Institution, will be place in the three tier pay structure.

Copy of the item No.8: to report Revision and grant of 3 Tier pay scale to yoga teacher is annexed herewith and marked as annexed -3.



6. That with regards to statements made in paragraph 8 to 11 of the respondents in written statement the answering applicant beg to state that the scheme of yoga teaching in KVS was approved by the (BOG) Board of Governors ~~in KVS~~ of KVS in its 39th Meeting held on 12-02-1981, Yoga teaching scheme in KVS was introduced on an experimental basis in 1981 and extended on year to year. 620 posts of yoga teacher were sactioned and 354 yoga teacher joined in the grade of 425 - 640. The essential qualification percribed were Matric/Higher Secondary with a practical knowledge and experience of yoga training. EVALUATION OF YOGA SCHEME AS FOLLOWS :-

1. The evaluation of the yoga scheme in KVS. was entrusted to the Administrative Staff College of India, Hyderabad in Sept. 1982. The Institution in its report said that the scheme was too recent to be evaluated and recommended.
2. Another evaluation was conducted in August, 1984 under the Chairmanship of Dr. P.D. Shukla, former Vice-Chairman KVS. The recommendations of this Committee were considered by BOG of KVS in its 47th Meeting held on 26-9-1986. ~~And~~
3. Further reviwed in the Ministry of HRD in the light of National Edmicy of Education 1986 which promoter intergrated development of Body and mind in BOG 47 meeting held on 26-9-86 decided to made the scheme regular one and prscribed Educational qualification Gradution plus professional qualification one year training in yoga for the post of a yoga Teacher in KVS, 6 years ~~over~~ given to accure educational professional qualification Yoga teacher who don't posses the requistite qualification with the prescribed period will be automatically stand terminated. and compotant authority permission to yoga teacher for appering in higher examination behind the limit of 10%.
4. The BOG in its 52nd meeting held on 27-12-88 it was fixed Gradute with 9 months training in Yoga.
5. In BOG 58th meeting held on 20-4-95 maintain graduation + three months training in Yoga. for conformation Yoga Teacher.
6. Yoga Teacher who do not possess graduation + 3 months training in Yoga will be in the scale of RS 4,500 - 200 - 7,000 till they accure the Gradution + 3 months training Yoga they will be placed in entry pay scale RS 5500-9,000.
7. The proposal for the revision and grant of 3 tier pay scale to Yoga teachers at par with their counterparts in the NCT of Delhi was then under consideration of the Ministry of HRD whose recommendations were subsequently concurred in by the Ministry of ~~XXXXX~~ - ~~X~~ - Finance (Deptt. of Expenditure) and after the approval of the Chairman KVS, the following decision was taken :

Contd .. - 4 -



7. That with regards to statements made in para graphs No.5 and 12 to 14 of the written statements of the respondents the answering applicant beg to state as follows :-

1. The applicant representation regarding pay scale of senior scale and selection scale on stamp papers on dated 17-2-98 to the respondents at per with NCT of Delhi the respondents informed the applicant a proposal ~~grant~~ for grant of pay scale to Yoga teachers at per with other Misc. categories teachers has already been sent to the Ministry of HRD for necessary approval. E+IV section together with representation dated 17-2-98 for taking action on other issues. The respondents send the applicant 3 months training along with un qualified Yoga teacher . The applicant has already passed one year training in Yoga Education in 1980 - '81 from KVALIYADHAM

2. The applicant threatened to self immotating if his conformation senior scale and selection scale grievances not be settled then Commissioner told the applicant you are get then the applicant withdraw is self immolation. But a base less disciplinary Case start against the applicant but after some time the respondent drop all the charges levelled against the applicant vide charge memo No. F6-9/98/KVS(AR) dated 20-3-1999 and granted the senior ~~scheme~~ ~~and~~ scale and conformation on dated 20-3-1999 and senior scale from 1-1-1996 .

3. The applicant save Govt. of Indias at least more than 20 Crores that unqualified Yoga teacher (Matric + one month training) were getting the same seale along with quillified (like the applicant from 1981 to 31st. December 1995 .

4. The respondent withdraw the applicants senior scale when he went to get Guwahati OA 399/2000 above regarding selaction Grade

5. Unqualified teachers are gattting TA & DA and earn leave in complaction of Yoga 3 months training like VIRAPPAN because unqualified Goa teacher became unquarable headace to the respondents .

8. That with regards to statement made in paragraph 15 of the written statements of the respondents the answering applicant that to state the strength of any educational Institution lies essentially in its teaching faculty. Unless the teacher are dedicated well trained and well equipped the objective of ^{providing} ~~ple-vinding~~ quality education is difficult to achive. This is true all more in an Institution ~~like~~ KVS which seeks to be a pace setter in school education teacher is the King pin of Any educational institytion . Updating of his knowledge which is so very necessary. Yoga teaching scheme introduce in KVS 1981 with Matric + knowledge of Yoga may be one month ^{or} more on the other hand in the NCT of Delhi starts Yoga education in 1983. The NCT of Delhi Yoga teacher viz possessing a bachelor's Degree with three months training in Yoga.

457 Yoga teacher were appointed in 1982 - '83 among 91 Yoga

Ad

Teacher (20%) got ~~senior scale~~ Selection scale from 1983-84 as per 'RAJYASABHA' unstarred question No. 153 to be answered on 5th March 1999. Was answered Hon'ble Minister Resource Development and Hon'ble Chairman KVS. Selection Grade, Scale to yoga Teacher.

9. The applicant beg to state that the proposal for the revision and grant of 3 tier pay scale to Yoga teachers at par with their counterparts in the NCT of Delhi. Yoga teacher of KVS. having qualifications at par with their counterparts in the NCT of Delhi viz. possessing a Bachelor's Degree with three months training in Yoga. The Yoga teacher of NCT of Delhi grant selection Grade scale on the basis of III CPC recommendations, Govt. has implement the planning W.e.f. 1-8-1976 regarding 10% to 20% for category 'C' & 'D' Subject to fulfill specific condition.

10. The applicant beg to state that duties and responsibility of Yoga Teachers of KVS and Yoga teacher of NCT of Delhi are same. Both's Yoga teachers (KVS & NCT of Delhi) qualifications are same. Both are based on recommendations, made by the Central pay Commission set up from time to time the Principal adopted and the factor taken into accounts need invariably are same. Consumers price index to which pay scale and related also ~~been~~ being same. The equation of pay under Central pattern of Scale are ~~The equation of pay under Central pattern of~~ same. The applicant as per rejoinder of the applicants in para No.4 fulfill the illigibility criteria for grant of senior scale and selection grade scale. Should be given to the applicant from 1983 - '84.

Copy of the RAJYASABHA

Unstarred question No. ~~XXXX~~ 153

is annexed herewith and marked as annexure No.-4

11. That under the facts and circumstances of the Case it is respectfully prayed that the Hon'ble Tribunal may be pleased to grant the applicant selection Grade Scale, and senior Scale and residency period would start from 24-10-1981 with costs.

That the applicant begs to state that the orders dt. 26/3/2001 and 8/5/2000 are not sustainable in the eye of law and same are yet to be communicated to the present applicant.

Thus the applicant prays for an appropriate direction from the Hon'ble Tribunal for setting aside the Annexure-1 order dt. 30/3/2004 (to the W.S.) alongwith the orders dt. 26/3/2001 and 8/5/2000 and any other orders depriving him the benefit of ~~senior scale~~ Senior Scale of pay *Am*

60

- VERIFICATION -

6

I, L.N. YADAV S/O. Shri. B.R. YADAV aged about 47 years presently working as Yoga Teacher in Kendriya Vidyalaya Dimapur do hereby that all the statements made in paragraph from 1 to 11 are true to my knowledge and nothing material has been concealed therefrom.

Place : Dimapur.


DEPONENT.

Date : 20-08-2001.

4

RAJYA SABHA

7

Unstarred question No.1198

To be answered on Date March 5,1999

14 Phalgun, 1920(Sake)

Policy of Promotion to Kendriya Vidyalaya Teachers.

1198 Shri Gaya Singh,

Will the Hon'ble Minister of HRD please tell that:-

- a) Is it a fact that Kendriya Vidyalaya teachers called as 'Miscellaneous' are not For promotion under internal promotion Quota whereas trained graduate teachers of sbobe su grade are entailed? And
- b) If yes, its reasons and basis?

ANSWER

Minister of HRD (Dr.M.M.Joshi)

(a)&(b) Accounting to Kendriya Vidyalaya Sangathan (Appointment,promotion and seniority) rules 1971, amended from time to time, 50% post as of PGTs & TGTs filled by promoting TGTs and PRTs Beside this on completion of 12 years service they are entitled for'senior scale and further own complication of twelve years service they are entitle for selection grade .

The so called miscellaneous' category of teacher namely music teacher, Drawing Teacher, Physical education Teacher, Yoga Teacher, SUPW teacher and Librarians . The teacher of this category is entitled for senior scale and selection grade .

From these MISC. category, Drawing Teacher, Physical education Teacher are entitled to PGT . Music Teacher are not entitled for promotion to TGT.

Other teacher of MISC. category are not promoted to PGT as there are no such post available to them.

राज्य सभा

अतारांकित प्रश्न संख्या : 1198

उत्तर देने की तारीख 5 मार्च, 1999

14 फाल्गुन, 1920 ई शक

केन्द्रीय विद्यालय के शिक्षकों के लिए पदोन्नति का मानक

1198. श्री गया सिंह :

Page No 1/3C

क्या मानव संसाधन विकास मंत्री यह बताने की कृपा करेंगे कि :
 {क} क्या यह सच है कि केन्द्रीय विद्यालय के शिक्षक जिन्हें ताम्रहिक
 रूप से "विविध" {मिसलेनियस} कहा जाता है, "आन्तरिक पदोन्नति कोटा"
 के अन्तर्गत पदोन्नति के पात्र नहीं है जबकि सदृश ग्रेड के प्राशिक्षित रेगुलर शिक्षक
 इसके पात्र हैं, और
 {ख} यदि हां, तो इसके क्या कारण हैं और इसका मूलाधार क्या है ?

उत्तर

मानव संसाधन विकास मंत्री {डॉ० मुरली मनोहर जोशी}

{क} और {ख} : समय-समय पर यथासंशोधित केन्द्रीय विद्यालय संगठन {नियुक्ति,
 पदोन्नति, वरिष्ठता आदि} नियमावली, 1971 के अनुसरण में, स्नातकोत्तर
 शिक्षकों और प्रशिक्षित स्नातक शिक्षकों के 50% पद क्रमशः प्रशिक्षित स्नातक शिक्षकों
 और पी आर टीज में से पदोन्नति द्वारा भरे जाते हैं। इसके अतिरिक्त,
 प्राथमिक शिक्षक, प्रशिक्षित स्नातक शिक्षक और स्नातकोत्तर शिक्षक 12 वर्ष की सेवा
 पूरी करने पर वरिष्ठ वेतनमान के लिए और अन्य 12 वर्ष की सेवा पूरी करने
 पर प्रवरण वेतनमान के लिए पात्र हैं बशर्ते वे उसके लिए निर्धारित शर्तें पूरी करते हों।

शिक्षकों की कल्पित श्रेणियों, नामतः संगीत शिक्षकों, कला शिक्षकों,
 शारीरिक शिक्षा शिक्षकों, कार्यानुभव शिक्षकों, पुस्तकालयाध्यक्षों, योग शिक्षकों को
 ताम्रहिक रूप से "विविध" श्रेणी कहा जाता है। इन श्रेणियों के शिक्षक निर्धारित
 शर्तें पूरी करने पर वरिष्ठ वेतनमान और प्रवरण वेतनमान के लिए पात्र हैं। पूर्वोक्त



विविध शिक्षक श्रेणियों में से शारीरिक शिक्षा शिक्षक तथा कला शिक्षक क्रमशः स्नातकोत्तर शिक्षक {शारीरिक शिक्षा} और स्नातकोत्तर शिक्षक {ललित कलाएं} के रूप में पदोन्नति के लिए पात्र हैं ।

संगीत शिक्षक प्रशिक्षित स्नातक शिक्षक {संगीत} के रूप में पदोन्नति के लिए पात्र नहीं हैं क्योंकि प्रशिक्षित स्नातक शिक्षकों के पद केन्द्रीय विद्यालय संगठन में नहीं हैं । तदनुसार, स्नातकोत्तर शिक्षक {संगीत} के पद तीथी भर्ती द्वारा शत-प्रतिशत भरे जाते हैं ।

शेष विविध श्रेणियों के शिक्षक स्नातकोत्तर शिक्षक के रूप में पदोन्नति के लिए पात्र नहीं हैं क्योंकि ऐसे पद संबंधित विषयों में उपलब्ध नहीं हैं ।

DCRG. This is not so in the present case. In the instant case, the applicant is very much in service and overpayment after detection of error has sought to be enforced after due notice, by instalments, to be recovered from his regular salary. We must also note that the aspect of public interest involved in overpayment of money to a Government servant, which aspect has been codified in the code for the Accounts Department has been successfully brought to the notice of the Tribunal, which was not the case in the case-law cited. Considering all these facts and circumstances, we are of the view that the OA has no merit and we dismiss the same accordingly.

297. Swamy's CL Digest 1996/1

CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

R.B. Saxene v. Union of India and others

O.A. No. 284 of 1994 Date of Judgment 23-11-1995

No recovery can be made from an employee, if the overpayment was due to wrong construction on the part of the administration

Facts: The respondents after having fixed the seniority and pay of the applicant from 1-8-1989 passed an order on 12-8-1993, and subsequently by the impugned order, dated 8-2-1994 the respondents themselves examined and found wrong stating that fixation was due to mis-interpretation of rules and started recoveries of excess payment made, at Rs. 1,000 per month. Against the said impugned order, the applicant challenges that such recovery which has a crippling effect cannot be passed and relied upon the order of this Tribunal in O.A. No. 477 of 1994, *Mahaveer Singh v. Union of India and others*, decided on 20-9-1995 and the Supreme Court judgment in *Sahib Ram v. State of Haryana* [1995 SCC (L & S) 248] in which the Supreme Court held that no recovery can be made from an employee, if the overpayment was due to wrong construction on the part of the administration and not because of any mis-representation on the part of the employee concerned.

Held: In view of the fact that the judgments of this very Bench of the Tribunal as also of the Hon'ble Supreme Court, we feel that there is no case for the respondents to order any recovery from the pay of the applicant, now having allowed him ante-dated seniority from 1-8-1989. The OA, therefore, succeeds and the impugned, order, dated 28-2-1994 is hereby quashed.

298. Swamy's CL Digest 1996/1

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

A.R. Alli and another v. Union of India and another

O.A. No. 460 of 1990 Date of Judgment 8-12-1995

Amended No 2

Ali

Annexure N III

ITEM NO. 8: TO REPORT REVISION AND GRANT OF 3 - TIER PAY SCALE TO YOGA TEACHERS IN KENDRIYA VIDYALAYAS.

With the concurrence and approval of the Financial Advisor of the MHRD and Chairman, Kendriya Vidyalaya Sangathan, the revised pay scales as per the recommendations of the Vth Central Pay Commission were implemented for Group 'A', 'B', 'C' & 'D' categories of teaching and non-teaching staff of Kendriya Vidyalaya Sangathan. The Board of Governors were apprised of this decision in their 63rd meeting held on 21st July, 1998.

The proposal for the revision and grant of 3 tier pay scale to yoga teachers at par with their counterparts in the NCT of Delhi was then under consideration of the Ministry of HRD whose recommendations were subsequently concurred in by the Ministry of Finance (Deptt. of Expenditure) and after the approval of the Chairman, KVS, the following decision was taken:

Yoga Teachers of Kendriya Vidyalayas, having qualifications at par with their counterparts in the NCT of Delhi viz. possessing a Bachelor's Degree with three months' training in Yoga from a recognized institution will be placed in the three tier pay structure indicated below w.e.f. 01-01-1996:

Entry Scale Rs. 5,500 - 175 - 9,000

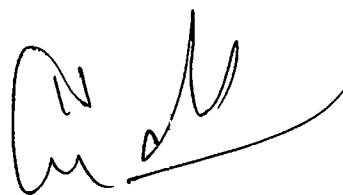
Senior Scale Rs. 6,500 - 200 - 10,500

Selection Scale Rs. 7,500 - 250 - 12,000

Yoga Teachers, who do not fulfil the prescribed qualifications, will be entitled to the above pay scales only from the actual date they acquire the qualifications. Till such time they will continue in the scale of pay of Rs. 4,500 - 7000 which is a replacement scale of Rs. 1,400 - 2300 w.e.f 01-01-1996.

The decision taken by the Chairman, KVS has been implemented vide Memo. No. F.12-1797-KVS(Admin-1) dated the 3rd February, 1999.

Submitted for favour of kind information of the Board of Governors.



Amuse No IV

86

12

RAJYA SABHA

STARRED Question No - 153
To be answered on 5th March, 1999
14, Phalgun, 1920(Saka)

Selection Grade Scale to Yoga teachers

153 Shree Jalauddin ansari

Shree Govind Ram Miri.

Will the Hon'ble Minister of Human Resource development be please to State -

(a.) Whether at the time of implementation of III CPC recommendations, the 20% post of total post of different categories were changed to selection grade?

(b) If Yes (So). Whether the post of Yoga teachers were changed under the position?

(c) If not, the reasons and justifications there of?

ANSWER

The Minister of human Resource Development

(Dr. Murli Manohar Joshi).

(a), (b), (c): A copy of information has been kept on the Sabha Patal.

Information given in answer report in ref, to stared question No 153, Part (a), (b)

\$ (c) raised by Shree Jalauddin Ansari & Shree Govind Ram Miri on 5.3.1999 regarding Selection Grade post to Yoga teachers.

(a) on the basis of III CPC recommendations, Govt. has implement the planning W.e. f. 1.8.1976 regarding 10% to 20% selection grade for cat 'C' & 'D', Subject to fulfill specific condition

(b) & (c) NCT, Govt. of Delhi, has informed that out of 457 posts, 91 posts had been changed into selection grade in 1982-1983 who had been appointed earlier. In addition, No yoga teacher has been appointed after 1982-1983. Union Territory Pondichery, Lakshadweep, Andaman & Nicobor Island has reported that there is no post of yoga teacher in their state schools. Ibn the Union Territory of Chandigarh, pay 7 scale of Central Pay commission is not existence.

In same way there is no post of Yoga teacher Novadoya Vidyalaya and Autonomous school system of Central Tibetan Schools. Kendriya Vidyalaya Sngathana has informed that the planning of Yoga teachers had been started in 1981 on experimental basis and their period were extened upto 1986 by Governing Board (BOG) and was decided that Yoga teachers

IN a

राज्य सभा

तारिखित प्रश्न संख्या: 153

उत्तर देने की तारीख 5 मार्च, 1999

14 फाल्गुन, 1929 § शक §

'योगा' प्रशिक्षकों के सेलेक्शन ग्रेड पद

* 153 श्री जलालुद्दीन अंसारी :

श्री गोविन्दराम मिरी :

क्या मानव संसाधन विकास मंत्री यह बताने की कृपा करेंगे कि :

§क§ क्या तीसरे केन्द्रीय वेतन आयोग की सिफारिशों के कार्यान्वयन के अनुसरण में भिन्न-भिन्न संवर्गों के कुल पदों के 20 प्रतिशत पद सेलेक्शन ग्रेड पदों में परिवर्तित कर दिए गए थे ;

§ख§ यदि हां, तो क्या 'योगा' प्रशिक्षकों के पदों को भी इस व्यवस्था के अन्तर्गत परिवर्तित कर दिया गया था ; और

§ग§ यदि नहीं, तो उसके क्या कारण हैं और इसका तर्कधार क्या है?

उ त्तर

मानव संसाधन विकास मंत्री § डा० मुरली मनोहर जोशी §

§क§, §ख§ और §ग§: एक विवरण सभा पटल पर रख दिया गया है ।

योगा शिक्षकों के सेलेक्शन ग्रेड पद के संबंध में श्री जगजित सिंह अंतारंगी और श्री गोविन्दराम मिरी द्वारा 5.3.1979 को पूरे ग्रेड राज्य सभा तारांकित प्रश्न सं. 153 के भाग 8क, 8ख और 8ग के उत्तर में उल्लिखित विवरण ।

8क तीसरे केन्द्रीय वेतन आयोग की सिफारिशों के आधार पर 'ग' और 'घ' संवर्ग में चयन ग्रेड की योजना 10% से लेकर 20% तक सरकार द्वारा कीतपय शर्तों के आधार पर 1.8.1976 से लागू की गई थी ।

8ख और 8ग: राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार ने सूचित किया है कि 1982-83 में पहले से भर्ती किये गये योग शिक्षकों के 457 पदों में से 91 पदों को चयन ग्रेड पदों में परिवर्तित किया गया है। इसके अतिरिक्त योग शिक्षकों की कोई भर्ती 1982-83 के बाद नहीं की गई है। पाण्डिचेरी, लक्षद्वीप, अण्डमान व निकोबार द्वीपसमूह संघ राज्य क्षेत्रों ने सूचित किया है कि उनके स्कूलों में योग शिक्षकों के पद नहीं हैं। चण्डीगढ़ संघ राज्य क्षेत्र में केन्द्रीय वेतन आयोग के वेतनमान लागू नहीं हैं ।

इसी प्रकार, नवोदय विद्यालयों और केन्द्रीय तिस्रवीं स्कूलों की स्वायत्त स्कूल पद्धतियों से रिपोर्ट मिली है कि उनके स्कूलों में योग शिक्षकों के कोई पद नहीं हैं । केन्द्रीय विद्यालय संगठन ने सूचित किया है कि योग शिक्षकों की योजना 1981 में प्रायोगिक आधार पर शुरू की गई थी और उसकी अवधि वर्षानुवर्ष आधार पर 1986 में शारीरिक बारी द्वारा पुनरीक्षा करने तक बढ़ाई गई थी जब यह निर्णय लिया गया था कि योग को केन्द्रीय विद्यालय के शारीरिक शिक्षा कार्यक्रम के साथ मिला दिया जाये और योग शिक्षकों को निवेश दिया जाये कि वे शारीरिक शिक्षा शिक्षकों के समान निर्धारित व्यावसायिक शर्तों को तीन वर्ष की अवधि में प्राप्त कर लें । केन्द्रीय विद्यालयों में पात्र योग शिक्षकों को 1.1.1975 से तीन स्तरीय वेतनमान कांचा प्रदान किया गया है