

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 325 of 2002

Jabalpur, this the 3<sup>rd</sup> day of September, 2004

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. Madan Mohan, Judicial Member

Raghuveer Singh Patel, aged about  
64 years, son of Shri G.P. Patel,  
Retired Post Graduate Teacher (Chemistry)  
resident of 4, Ramnagar,  
Adhartal, Jabalpur (MP)

APPLICANT

(By Advocate - Shri A.K. Pandey on behalf of  
Shri P.N. Dubey)

VERSUS

1. Commissioner, Kendriya Vidyalaya  
Sangathan, 18, Institutional Area  
Shahid Jeetsingh Marg, New Delhi.
2. Principal, Kendriya Vidyalaya  
Khamaria, Jabalpur (MP)
3. Principal, Kendriya Vidyalaya  
No.1, G.C.Fy Estate, Jabalpur (MP)
4. Union of India, through Secretary  
Ministry of Human Resources  
Development, New Delhi.

RESPONDENTS

(By Advocate - Shri M.K. Verma)

O R D E R

By Madan Mohan, Judicial Member -

By filing this OA, the applicant has sought the  
following main reliefs :-

- "(1) Quash Annexure A-1 (Memo dated 10.5.2001  
and Annexure A-9 (Memo dated 1.8.2001 with the  
directions to respondents to consider the case  
of applicant for grant of Selection Scale w.e.f.  
19.11.1990 and pay the arrears arising out of same
- (2) to direct respondents to revise the  
pension of applicant on selection scale and pay  
the arrears of same with 18% interest thereon,
- (3) Direct respondents to release the balance  
of GPF amount with 18% interest till date of  
payment and also to pay G.I.S. Survival amount  
with 18% interest with costs".



2. The brief facts of the OA are as follows:

The applicant is retired PGT (Chemistry). He retired from the services of the respondents on attaining the age of superannuation on 31.12.97. The applicant was appointed as Post Graduate Teacher on 19.11.1966. Applicant possessed the degree of M.Sc. (Chemistry) second division. As per the prescribed qualification for PGT (Chemistry), the candidate was supposed to have qualifications of Master degree in the subject concerned and teacher's degree and teaching experience. Later the petitioner was confirmed as PGT(Chemistry). The applicant was granted the selection grade w.e.f. 1.4.82 in the pay scale of Rs.740-1000 (Annexure A-3). The applicant was found suitable in all respect for grant of selection scale amongst the 20% PGT (Chemistry) teachers. A PGT is required to have only 12 years service on the senior scale as per the policy. Hence the applicant became eligible for grant of selection scale as on 19.11.94 when he completed 12 years in the senior scale. The Govt of India, Ministry of Human Resources Development, revised the policy and according to the revised policy, the applicant became due for grant of selection scale as on 19.11.90. Applicant submitted a representation dated 22.5.2001 which was rejected. The applicant has been contributing towards PF account known as GPF A/c No.28039/91. The statement of accounts supplied by the school for the year 1997-98 indicates a balance of Rs.52,752/- (Annexure A11). Respondent No.1 remitted only Rs.41,024 vide letter dated 15.4.98 (Annexure A12). There is a deficiency of Rs.11,728/- less paid to the applicant as on date of payment. The applicant submitted his representation dated 4.12.98 (Annexure A13) but his grievance was not removed. Hence the OA was filed.



3. Heard learned counsel for both parties. It was argued on behalf of the applicant that the applicant was a retired person. He became eligible for the selection scale after completion of 24 years of unblemished service on 19.11.90 and he made several representations to the respondents but the representations were not considered and the balance amount in his GPF account was also not paid. The applicant is entitled to interest at the rate of 18% per annum.

4. In reply, the learned counsel for respondents argued that the applicant who joined as PGT on 19.10.66 was having the qualification M.Sc.(Chemistry). He did not possess professional qualification/teaching degree. He was granted old selection grade w.e.f.1.4.82. He became due for grant of selection scale after completing 12 years of service in the senior scale subject to fulfillment of conditions stipulated for the purpose. Our attention was drawn to Annexure R-1 dated 2nd Aug. 2000 issued from the Ministry of Human Resources Development. In para 3 of the letter, it is mentioned that so far as grant of selection scale to PGT is concerned, it is clarified that for grant of selection scale to PGT, a PGT must fulfil the following two conditions:

- (i) 12 years service in senior scale and
- (ii) Possess master's degree in the respective subject and Bachelor of Education Degree.

The applicant does not possess the Degree of B.Ed. Hence he does not fulfill the conditions stipulated for the purpose. The learned counsel further argued that for payment of balance in the GPF account of the applicant, no delay was caused on the part of the respondents, and if there was any delay, it was only due to procedural and other grounds. Hence the applicant is not entitled to receive any interest on the balance amount of GPF.



5. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the applicant did not possess the degree of B.Ed. which was mandatory for getting the selection scale of PGT. The applicant could not show us any document in this regard. Hence, he is not entitled for the relief claimed in respect of selection scale of PGT.

5.1. As regards the payment of balance amount of GPF is concerned the respondents submitted in their reply that there was certain missing debit which was to be adjusted at the time of final payment. Hence, the respondents are directed to pay the balance amount of GPF if any not already paid to the applicant, within a period of three months from the date of receipt of a copy of this order. The interest on if paid to the applicant the same amount of GPF/shall also be paid to the applicant as per the prevailing rate of interest in the GPF, within the aforesaid period.

5.2. As regards the payment of GIS survival amount with 18% interest, we find that the respondents have paid an amount of Rs. 2,935/- vide letter dated 9.10.2002 during the pendency of the OA. As the applicant has not been able to show us that he is entitled to get interest in GIS survival amount, we do not find any ground to grant him the interest on this amount of GIS.

6. For the reasons recorded above, this Original Application is disposed of. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

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पुस्तक सं ओ/न्या... जलपुर, दि.....  
पुस्तक सं ओ/न्या... जलपुर, दि.....  
(1) सचिव, उच्च न्यायालय, जलपुर  
(2) आवेदक श्री/श्रीमती/श्री... के काउंसलर  
(3) प्रत्यक्षी श्री/श्रीमती/श्री... के काउंसलर  
(4) अध्यक्ष, कार्यवाह, जलपुर न्यायाधीश  
सचिव एवं आवश्यक कार्यवाही हेतु

Shri P. N. Dobby Jc.  
Shri M. K. Verma Jc.

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