

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 571 of 2001

Jabalpur, this the 10 th day of March, 2004.

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

Kartik Chandra Roy
Clerk in Accounts, Ordinance
Factory, Khamaria, Jabalpur

APPLICANT

(By Advocate - Shri Pulock Maity on behalf of Sh.M. Bhatti)

VERSUS

1. Union of India Through;
MSecretary, Ministry of
Home Affairs, New Delhi.
2. The Settlement officer, Settlement
Wing(KNK Sub Cell)
Rehabilitation Division, Ministry
of Home Affairs, Jaisalmare House
Man Singh Road, New Delhi
3. Ordinance Factory Khamaria, Jabalpur
Through : Its Joint Controller of
Accounts, Khamaria, Jabalpur.
(By Advocate - Shri Om Namdeo)

RESPONDENTS

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

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

- "(ii) to quash the impugned letter dated 16.8.2000
(Annexure-A-4).
- (iii) to direct the respondents to implement the order
dated 22.9.1995(Annexure-A-1) passed by this
Hon. Tribunal in OA No.30/91, and the order of
Hon.Supreme Court reported in 1998(3) SCC 362,
and accordingly, grant benefits of revised pay
scale of selection grade of Rs.1640-2900/- to the
applicant w.e.f. 1.1.1986;
- (iv) to further direct the respondents to give arrears
of salary and other allowances upon fixation
so made as per the recommendations of the
Chhattopadhyay Commission".

2. The brief facts of the case are that the applicant was
appointed as Primary School Teacher under the Dandkaranya
Development Project on 20.12.1967. He was declared surplus
and surrendered to Central Surplus Cell of DOP & AR New Delhi
on 16.4.1987 and he was re-deployed in the Defence Accounts
Department w.e.f. 8.6.1987. The applicant has already been

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granted senior scale of teacher w.e.f. 1.1.86. The contention of the applicant is that he should be granted selection grade as per the clarification issued by the Ministry of Human Resources Development (in short 'MHRD') dated 3.11.1987. As per serial No. 4 of the said clarification is as follows:-

- "4. In the case of PST and TGT, it has been stipulated that for grant of selection scale they will be required to obtain the qualifications prescribed for the next higher post. A point has been raised as to whether this will be applicable in the case of all the existing incumbents"
- For those teachers who have already completed 18 years of service, the requirement of acquiring the qualification for the next higher grade may be waived. Those who have not completed 18 years of service as well as new entrants will be required to acquire the qualifications prescribed for the higher post before being considered for grant of selection scale".

Since he has not been granted selection grade, aggrieved by this, he has filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties.


4. The learned counsel for the applicant has submitted that as per clarification issued by the MHRD dated 3.11.1987 in (para 4 of the said clarification), the applicant is entitled for grant of selection grade.


4.1 On the other hand, the learned counsel for the respondents has submitted that the applicant was granted senior scale w.e.f. 1.1.86 and therefore, he is entitled to the selection grade only completion of 12 years in senior scale.

5. We have very carefully considered the rival contentions of the parties and we find that the applicant has been appointed as Primary Teacher on 20.10.1967. As per the instructions contained in the letter dated 12.8.1987 (Annexure-A-6) issued by the MHRD, the primary teacher is entitled or eligible for grant of selection grade only on completion of 12 years service in senior Scale and attainment of qualifications laid down for TGTs. In this case the applicant has been granted

senior scale w.e.f. 1.1.36 and therefore, he is entitled for grant of selection grade only after completion of 12 years service in that grade. The reliance placed by the applicant for grant of senior scale on para 4 of the letter dated 3.11.37 issued by the MHRD quoted above is not applicable ^{as the clarification in 2} ~~is his case~~ as that para relates to waiving of higher qualification only and not with regard to grant of any relaxation in putting of 12 years of service in the senior scale.

6. For the reasons discussed above, the OA is bereft of merits and accordingly dismissed. No order as to costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

SKM

M. Bhatti
Om Namdeo

16/3/07

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16.3.07