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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 336 of 1999

Jabalpur, this the 23rd day of January, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

J.P. Shrivastava, UDC, Son of  
late Satyanarayanlal, Income Tax  
Office, Bara Pathar, Seoni (MP).

... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

1. The Union of India,  
Ministry of Home Affairs,  
Rehabilitation Division  
(Settlement), Jaisalmer House,  
New Delhi.

2. The Dy. Commissioner of Income  
Tax, Range II Annexy Bhawan,  
Jabalpur (MP).

... Respondents

(By Advocate - Shri B.da.Silva)

O R D E R (oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has  
claimed the following main reliefs :

"(a) to place the applicant in the pay scale of Rs. 425-640 w.e.f. 1-1-1973 to 31-12-1985 as made applicable to Middle School Teachers,

(b) to place the applicant subsequently in the pay scale of Rs. 1640-2900 wef 1-1-1986 based on the recommendation of Prof. D.P. Chattopadhyaya Commission on Teachers,

(c) to fix his pay in corresponding scale of pay from 26-11-1988 on redeployment,

(d) to pay all the arrears of pay after fixing in the above scales for the period from 1-1-1973 to the date of actual payment."

2. The brief facts of the case as stated by the applicant are that the applicant was initially appointed as Intermediate Teacher in the scale of Rs. 100-130/- on 16th January, 1969 in Middle School, Turihidi (orissa) under Dandakaranya Project.

*[Signature]*

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Thereafter he was promoted to Untrained Graduate Teacher in the scale of Rs. 115-220/- from 01.02.1971 and was posted to Middle School Morada. He continued in that capacity and subsequently transferred to High School Boregaon on 04.09.93/ (sic) and served there upto 31.12.1975. He was further transferred to Higher Secondary School, Pakhanjore as UGT since 01.01.1976 and continued there upto 07.01.1982. On shrinkage of the Dandakaranya Project, the applicant and many others similarly placed in the project both in Orissa and Madhya Pradesh were declared surplus and redeployed in the office of Indian Meteorological Department at Delhi and joined there as Upper Division Clerk on 17.01.1989. He was again declared surplus and was subsequently transferred to the office of respondent No. 2 in the same grade of UDC on 29.03.1990 and is still working under respondent No. 2. The Head Master and Assistant Teachers of Middle School employed in the Ministries/Departments of Government of India were enjoying the scale of Rs. 425-640/-, but not in the case of similarly placed teachers under Dandakaranya project. As such the affected teachers deployed at Mana in Madhya Pradesh had filed a writ petition in the Hon'ble High Court of MP, Jabalpur which was registered as MP No. 1734/1982. <sup>The</sup> same was decided in favour of the petitioners. When the benefits were granted to the similarly situated teachers employed in the Middle School, one Miss. Vidya Gupta filed a writ petition in the Hon'ble High Court of Madhya Pradesh registered as MP No. 2709/1985, which was subsequently transferred to the <sup>Central Administrative</sup> Tribunal and was registered as TA No. 360/1986. The Tribunal adjudicated the matter and passed the order in favour of the applicant stating that she worked as Middle School teacher under the directions from administrative authorities and she was entitled to get the pay scale of Rs. 425-640/- from the date she was assigned the duties of Middle School Teacher with all arrears.

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In the meantime the National Commission on Teachers headed by Professor D.P. Chattpadhyaya recommended revised pay scale to Primary Teachers, according to which Primary School Teachers would be given the pay scale of Rs. 1200-2040/- from 01.01.1986. After 12 years they would be futher given senior scale of Rs. 1400-2600/- and after completing further period of 12 years, they would be given the selection scale of Rs. 1640-2900/-. All the Primary School Teachers who were working in the Middle Schools were placed in the pay scale of Rs. 425-640/-. This scale of Rs. 425-640/- was revised to Rs. 1400-2600/-. After putting 12 years service the Middle School Teachers gets the scale of Rs. 1640-2900/- as per the recommendation of the Chattpadhyaya Committee. The recommendation of the Chattpadhyaya Committee has been accepted by the Government and as the applicant has completed more than 12 years of service in the pay scale of Rs. 425-640/-, he should have been placed in the revised pay scale of Rs. 1640-2900/-. But the respondents have not placed him in that scale. Aggrieved by this the applicant has filed this Original Application claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the records very carefully.

4. The learned counsel for the applicant has submitted that the Ministry of Home Affairs have issued letter dated 14th September, 2000 (Annexure A-18), whereby the pay of the applicant has been fixed in the scale of Rs. 1400-2600, although the applicant has completed more than 12 years of service in the scale of Rs. 425-640/-. He has also drawn our attention to the statement dated 3rd March, 1989 (Annexure A-17) issued by the Gun Carriage Factory, Jabalpur.

According to this statement Middle School Teachers are also

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the revised entitled for pay scale of Rs. 1400-2600/- . They are also entitled for pay scale of Rs. 1640-2900/- (Senior scale after 12 years of service). Since the applicant has put in more than 12 years of service in the scale of Rs. 425-640/- he should have been granted the scale of Rs. 1640-2900/- and not Rs. 1400-2600/-.

5. On the other hand the learned counsel for the respondents has stated that the revised pay of the applicant has been fixed vide order dated 14th September, 2000 (Annexure A-18), which is in order, and in accordance with the rules.

6. We have very carefully considered the rival contention made on behalf of the parties. We find that it is not disputed that the applicant has worked in the Middle School and put in more than 12 years of service in the scale of Rs. 425-640/- . The facts has been mentioned by the respondents in their letter dated 14th September, 2000 (Annexure A-18). As per the recommendations of the Chattopadhyaya Committee which has been accepted by the Government, the teachers working in the Middle School is to be placed initially in the pay scale of Rs. 1400-2600/- and further after completion of 12 years they should be placed in the selection scale of Rs. 1640-2900/- . Since the applicant has already put in more than 12 years of service in the scale of Rs. 425-640/- , his pay should have been fixed in the scale of Rs. 1640-2900/- . The fixation of pay of the applicant in the pay scale of Rs. 1400-2600/- vide order dated 14th September, 2000, appears to be a clerical mistake.

7. In the circumstances we are of the view that we may direct the applicant to make a detailed representation to the respondents within one month, pointing out the above

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referred  
clerical mistake committed by them. ~~from today~~ we do so  
accordingly. If the applicant complies with this order, the  
respondents are directed to consider the request of the  
applicant in the light of the statement dated 3rd March, 1989  
(Annexure A-17) issued by the Gun Carriage Factory, Jabalpur  
read with their letter dated 14th September, 2000 (Annexure  
A-18) and take a decision by passing a speaking, detailed  
and reasoned order within three months from the date of  
receipt of the representation.

8. Accordingly, the Original Application stands disposed  
of. No costs.

*G. Shanthappa*

(G. Shanthappa)  
Judicial Member

*M. P. Singh*  
(M. P. Singh)  
Vice Chairman

"SA"

पूछांकन सं ओ/ज्ञा....., जबलपुर, दि.....  
परिवर्तित दिनांक.....

- (1) राजिया, राजिया विद्युत विभाग, जबलपुर
- (2) अंक वाली/विवरी, इ....., इंजिनियरिंग काउंसल
- (3) प्रत्यक्षी विवरी/विवरी, इ....., इंजिनियरिंग काउंसल
- (4) वांद्यालय, राजिया, राजिया विद्युत विभाग

सूचना एवं अदरक्षा कार्यकारी हैं।

उप रजिस्ट्रार

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6-2-04

*JK Mehta*  
*B. Danlal, M.A.*

*JK Mehta*