

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA. No. 060/00482/2014

Reserved on: 15.04.2015
Pronounced on: 22.4.2015.

CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)

1. Sonal Thakur d/o Dharam Singh, working as TGT, in Govt. Model Senior Secondary School, Sector 46, U.T., Chandigarh.
2. Sonia Gupta d/o B.K. Gupta, working as TGT, in Govt. Model Senior Secondary School, Sector 46, U.T., Chandigarh.
3. Ramandeep Kaur d/o Sant Singh, working as TGT, in Govt. Model Girls Model Senior Secondary School Sector 20-B, U.T., Chandigarh.
4. Baljinder Kaur w/o Gagandeep Singh Kakkar, working as TGT, in Govt. Model Sr. Sec. School, Sector 44, U.T., Chandigarh.
5. Kirna w/o Phul Kumar working as TGT, in Govt. Senior Secondary School, Sector 46, U.T., Chandigarh.
6. Amita w/o Nitin Nagpal working as TGT, in Govt. High School, Sector 19, Chandigarh.
7. Bipin Kaushal d/o Hardev Raj Sharma, working as TGT (Biology) in Govt. Model Sr. Sec School, Sector 19, U.T., Chandigarh.
8. Seema Chandan d/o Anant Ram, working as TGT in Govt. High Model High School, 20, U.T., Chandigarh.
9. Amita w/o Nitin Nagpal, working as TGT, in Govt. High School, Sector 40, U.T., Chandigarh.

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10. Suman d/o Gurnam Singh, working as TGT in Govt. Model Sr. Sec. School, Sector-46-D, U.T., Chandigarh.
11. Sonu d/o Satbir Singh, working as TGT in Govt. Model Sr. Sec School, Sector 56, U.T., Chandigarh.
12. Harpreet Kaur Ubhi w/o S. Parminder Singh Ubhi, working as TGT in Govt. High School Sector 11-A, U.T., Chandigarh.
13. Sugandha Sharma d/o Lakendra Dutt Sharma, working as TGT (Economics) in Govt. Model Sr. Sec. School, Sector 35-D, U.T., Chandigarh.
14. Anita d/o Rishi Kumar, working as TGT, in Govt. High School, Sector 32, U.T., Chandigarh.
15. Amrinder Kaur d/o Harnek Singh working as TGT in Govt. Girls Model Senior Secondary School Sector 37, U.T., Chandigarh.
16. Savita d/o Jaipal Singh Nandal, working as T.G.T in Govt. Girls Model Senior Secondary School, Sector 18, U.T., Chandigarh.
17. Indu d/o Naresh Kumar, working as T.G.T. in, Govt. Model. Sr. Sec. School, Sarangpur, U.T., Chandigarh.
18. Sonika Sarhadi d/o Hakam Sarhadi, working as T.G.T. in, Govt. Model. High School, Sector 22-A, U.T., Chandigarh.

..... Applicants

Versus

1. Chandigarh Administration through Education Secretary, Union Territory, Chandigarh.
2. The Director, Public Instruction (S), Chandigarh Administration, U.T. Chandigarh.
3. The District Education Officer, Union Territory, U.T. Chandigarh.

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4. The Secretary, Department of Personnel, Chandigarh.
Administration, Union Territory, Chandigarh.

...Respondents

Present: Sh. Parvesh Kumar Saini, counsel for the applicant.
Sh. Aseem Rai, counsel for the respdts.

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- (i) Direction to the respondents to allow the applicants the minimum of the pay scale as admissible to regular employees without deductions for the period of artificial breaks and vacations as has been allowed in various judgments of this Tribunal and higher Courts, mentioned in the O.A.
- (ii) Quashing of the instructions dated 22.1.2014 (Annexure A-3) issued by the respondent no. 2 and direction to the respondent no.2. to issue fresh instructions for assignment of full day workload to the applicants and pay salary to the applicants as per Govt. order dated 9.12.2013 (Annexure A-4) issued by the Chandigarh Administration, Department of Personnel, whereby instructions have been issued to the Administrative Secretaries, Heads of Departments/ Officers, Institutions/ Boards/Corporations, Chandigarh Administration, that contractual appointment on whole time basis against sanctioned post where regular appointment is not immediately possible and is likely to take time, will be made on the consolidated amounts as mentioned in the letter.
- (iii) Direction to the respondents not to relieve the applicants during the mid of session by making artificial breaks just to avoid paying salary to the applicants.

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- (iv) It is further prayed to direct the respondents to pay salary to the applicants of their artificial breaks periods since their joining as Guest TGT Teachers.

2. In the written statement filed on behalf of the respondents, it has been stated that the applicants have filed the present OA inter-alia seeking minimum of the pay scale as admissible to regular employees without deductions for the period of artificial breaks and vacations. They have sought quashing of the instructions dated 22.1.2014 (A-3) regarding assignment of 20 teaching periods in a week instead of full workload of 32 periods per week and have prayed for issuance of fresh instructions for assignment of full day workload to them. In this regard it may be submitted that initially to meet the urgent requirement against temporary/leave vacancies, with the approval of Finance Department, Chandigarh Administration, applications were invited by the Education Department, Chandigarh Administration during August, 2008 and on 4.7.2010 for preparation of a panel of Guest Faculty Teachers and persons so appointed were to be paid remuneration per period @ Rs.70/- to JBTs/NTTs, Rs.80/- to Masters/Mistresses and Rs.90/- to Lecturers subject to maximum of Rs.7000/-, Rs.8000/- and Rs.9000/- per month respectively (Annexure R-1). At that time the consolidated amounts per month being paid to the contractual employees of these categories fixed by the

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Department of Personnel, Chandigarh Administration vide letter No. 28/54-IH(7)-2007/774 dated 10.1.2008 (Annexure R-2) were Rs.8700/- (in the pay scale of Rs.4550-7220 for JBTs/NTTs), Rs.10500/- (in the pay scale of Rs.5480-8925 for Masters/ Mistresses and Rs.12200/- (in the pay scale of Rs.6400-10640 for Lecturers). As such remuneration in respect of Guest Faculty Teachers and that of contractual employees was different from the initial stage. Further with the approval of Finance Department, the remuneration in respect of these Guest Faculty Teachers i.e. JBTs/NTTs, Masters/Mistresses and Lecturers was enhanced to Rs.140/-, Rs.160 and Rs.180/- subject to maximum of Rs.13000/-, Rs.15000 and Rs.16500/- vide order No. DPI-UT-S1-11(257)1995 dated 6.5.2010 (Annexure R-3). The same were revised to Rs.160/- subject to maximum of Rs.15000/-, Rs.180/- subject to maximum of Rs.18000/- and Rs.200/- subject to maximum of Rs.20000/- respectively vide No. 624-DPI-UT-S1-11(257)1995 dated 19.6.2012 (Annexure R-4). Now with the approval of Finance Department, Chandigarh Administration, the Department vide order No. DPI-UT-S1-11(257)1995 dated 31.10.2014 (Annexure R-5) has revised the same to Rs. 185/- per period subject to maximum of Rs.31000/- in respect of JBT/NTT, Rs.225/- per period subject to maximum of Rs.35100/- in respect of Masters/ Mistresses and



Rs.300/- per period subject to maximum of Rs.38600/- in respect of Lecturers. It has been left to the discretion of Principals/ School Heads to engage JBT/TGT/PGT upto 169/156/130 periods per month respectively as per requirement. The maximum of recently enhanced remuneration in respect of Guest Faculty Teachers are approximately equal to consolidated amount fixed by the Personnel Department, Chandigarh Administration vide letter No. 22254-IN(7)-2013/22392 dated 9.12.2013 (Annexure A-4), in respect of persons appointed on whole time on contractual basis. Moreover, vide Memo. No. DPI-UT-S4-11(153)11 dated 28.9.2012 (Annexure R-6), the department has asked the District Education Officer, Chandigarh Administration to issue directions to the Heads of the Govt. Schools for releasing the salary of vacation period to the Guest Faculty Teachers. Vide Memo. No. DPI-UT-S4-11(71)12 dated 23.1.2013 (Annexure R-7) it has been requested not to relieve the Guest employees till further orders. As such, the relief essentially sought by the applicants already stands granted and the present O.A. deserves to be disposed of as having been rendered infructuous.

3. It has also been stated that issuance of order No. DPI-UT-S1-11(257)1995 dated 31.10.2014 (Annexure R-5) has superseded the letter dated 22.1.2014 (Annexure A-3).

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4. No rejoinder has been filed on behalf of the applicants.
5. When the matter came up for consideration today, learned counsel for the applicant stated that he was not pressing relief claimed qua paras 8 (ii) & 8(iii) of the OA as the same had substantially been allowed by the respondents. He however stated that the respondents be directed to allow the applicants the minimum of the pay scale as admissible to regular employees and to pay salary to the applicants for their artificial break periods since their joining as guest TGTs.
6. Learned counsel for the respondents stated that the OA had been rendered infructuous in view of the relief already granted to the category of the applicants.
7. We have given our careful consideration to the matter. It is clear from the reply filed on behalf of the respondents that substantial relief as sought by the applicant through this OA had already been allowed as per Annexure R-5 dated 31.10.2014.
8. So far as the claim regarding payments for the period of artificial breaks since the joining of applicants as guest TGTs, no details have been provided in the OA regarding specific claim in respect of each applicant and we cannot hold a roving inquiry in this regard. Moreover, guest faculty teachers cannot equate themselves with regular employees

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as the nature of their duties and terms of employment are completely different. Hence, relief as sought vide paras 8 (i) 7 8(iv) of the OA are disallowed.

9. OA stands disposed of accordingly. No costs.


(RAJWANT SANDHU)
MEMBER(A)


(DR. BRAHM A. AGRAWAL)
MEMBER(J)

Dated: 21.4.2015

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