

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the **01st Day of August**, 2018)

Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)
Hon'ble Mr. Mohd. Jamshed, Member (Administrative)

Original Application No.330/731/2018
(U/S 19, Administrative Tribunal Act, 1985)

Smt. Subhra Basu W/o Arup Kumar Basu R/o Jawahar Navoday Vidyalaya, Moradabad. Presently posted as a Staff Nurse in the Samiti Moradabad Distt – Moradabad.

..... **Applicant**

By Advocate: Shri Raj Kumar Upadhyay

Versus

1. Union of India, through its Secretary (Mins of the Human Recourses Development, Department of School Education and Literacy) Government of India Shastri Bhawan, New Delhi.
2. The Deputy Commissioner, Navoday Vidyalay Samittee, Regional office Lucknow Lekhraj Panna, 3rd Story Sector -2 Vikas Nagar, Pin No.226022, UP Lucknow Region.
3. The Principal of the Jawahar Navoday Vidyalay Moradabad, District Moradabad.

..... **Respondents**

By Advocate: Shri N.C. Srivastava proxy to Shri Pankaj Srivastava

O R D E R

Delivered by Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)

Shri Raj Kumar Upadhyay, Advocate, is present for the applicant. Shri N.C. Srivastava proxy to Shri Pankaj Srivastava, Advocate is present for the respondents.

2. Present Original Application (hereinafter referred to as the 'OA') has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 for the following relief(s):-

"..... to direct the respondents to re-fix the same Pay Scale of Rs.9300/- to 34,800/- (Rs.12540/- being the basic pay and Rs.4600/- being the Grade Pay the minimum pay scale of Rs.17,14 which has duly been granted by the 6th CPC, since the date of 01.01.2006, being duly approved by the Government of India as well as by the respondents and to grant the payment of the due arrears of the same since the date of 01.01.2006, along with the amount of the due interest of 18% thereon and the benefit of the Order dated 04.04.2016, passed by the Hon'ble CAT of the Principal Bench of the Delhi, in the OA No.3217/2014 which was duly affirmed by the Delhi High Court on 23.03.2017 and by the Hon'ble Apex Court on 01.09.2017, in the case of Somevir Rana and others vs. NCT of Delhi and others, may kindly be extended even to the present applicant in accordance with law so that justice be done with the applicant, otherwise he will suffer an irreparable loss and hardship. "

3. It appears that applicant, Smt. Subhra Basu who is working as Staff Nurse in Jawahar Navoday Vidyalay, Pilibhit, has filed this OA for fixing her pay scale according to prevailing Rules issued by Government of India. In this regard she has also moved several representations to the Department but her claim has not been adjudicated by the Department.

4. Counsel for the applicant has submitted that similar issue has already been decided by the Principal Bench of this Tribunal in the case of Somvir Rana & Ors. Vs. Union of India & Ors. in O.A. No.3217 of 2014 which was affirmed by the Hon'ble High Court of Delhi as well as Hon'ble Apex Court, therefore, it is incumbent upon the respondents to fix the pay scale of the applicant in accordance with prevailing Rule as well as in accordance with the judgments as stated above.

5. In view of the above, we believe that it is suffice to ask the No.2/Competent Authority to decide the representation moved by the applicant in reasonable time. Accordingly, we direct the

applicant to move a detailed representation annexing the order of Principal Bench of this Tribunal as well as other judgments as stated above to the respondent No2/Competent Authority within two months from the date of receipt of certified copy of this order and Respondent No.2/Competent Authority is directed to decide the same in the light of prevailing rules as well as judgment passed by the Apex Court by reasoned and speaking order within a period of four months from the receipt of such representation and communicate the decision to the applicant in writing.

6. With the above direction the O.A. is disposed off finally at the admission stage itself. However, it is made clear that we have not expressed any opinion on the merits of the case.

7. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice Bharat Bhushan)
Member (J)

Sushil