

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

OA No.577/2014

Order reserved on : 01.09.2017
Order pronounced on : 05.09.2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Dr. Anita Verma, Aged about 43 years,
D/o Late Shri Rajinder Singh Verma,
R/o Near Girls Mess,
Jawahar Navodaya Vidyalaya,
Bringkhera Distt.,
Sri Muktsar (PB),
At present employed on the post of TGT (Hindi)
In Jawahar Novadaya Vidyalaya,
Bring Khera Distt. Sri Muktsar (PB).

...Applicant

(By Advocate : Shri Sagar Ray for Dr. Sumant Bhardwaj)

Versus

1. Navodaya Vidyalaya Samiti through its
Commissioner,
(An Autonomous Organization under Ministry of Human
Resource Development, Deptt. Of School Education &
Literacy),
Government of India,
A-28, Kailash Colony,
New Delhi-110 048.
2. Deputy Commissioner,
Navodaya Vidyalaya Samiti,
(Regional Office),
Bay No.26-27,
Sector 31-A,
Chandigarh-160032.
3. Deputy Commissioner,
Navodaya Vidyalaya Samiti,
Jaipur Region, 18, Sangram Colony,
C-Scheme, Jaipur-302004.

4. The Principal,
Jawahar Navodaya Vidyalaya,
Bring Khera Distt.,
Sri Muktsar (PB))

...Respondents

(By Advocate : Shri S. Rajappa)

ORDER (ORAL)

Ms. Nita Chowdhury, Member (A) :-

The applicant in this OA has asked for the following reliefs :-

- “(i) That impugned pay fixation order dt. Nil (Annexure-A/1), passed by 4th respondent and order dated 3.4.2011/4.4.2011 (Annexure A/2), passed by 3rd respondent and order dated 4.6.2013 (Annexure A/3, passed by 2nd respondent may be declared illegal and the same may be quashed.
- (ii) The respondents may be directed to fix/revise the pay of the applicant at the minimum of the pay scale for TGT Hindi at Rs.13860 plus 4600 GP as per the Rule 7(1)(A)(ii) of the rules i.e. Rs.18460 as per item No.14 of the Annexure A/8, supra, above, instead of Rs.10890/- plus Rs.4600 GP and allow all consequential benefits including payment of arrear thereof along with interest at market rate.

IN THE ALTERNATIVE : The respondents may be directed to fix/revise the pay of the applicant at par with pay scale for TGT Hindi direct recruitee after 1.1.2006 i.e. at Rs. The minimum of the same comes to Rs.18460 as per item No.14 of the Annexure A/8, supra, above instead

of Rs.10890/- plus Rs.4600 GP under note 7 under rule 7 of the rules since numerous persons including said Shri Umesh Kumar have been recruited after 1.1.2006 and allow all consequential benefits including payment of arrear thereof along with interest at market rate.

- (iii) That any other direction, or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.
- (iv) That the costs of this application may be awarded.”

2. The applicant was appointed to the post of PGT (Hindi) and joined as TGT (Hindi) in Navodaya Vidyalaya Samiti on 09.09.2003 at Jaswantpura Distt. Jalore. Thereafter, she was allowed mutual transfer from Jalore i.e. Jaipur Region to Muktsar in Chandigarh Region vide order dated 31.05.2007. It is her claim that respondents have adopted the CCS (Pay) Rules from time to time. The pay of the applicant came to be revised in pursuance of the recommendations of 6th CPC w.e.f. 01.01.2006, vide pay fixation letter dated Nil (Annexure-A/1) issued by respondents. Her pay was revised by applying multiple of 1.86 and her basic pay was fixed at Rs.10890 with grade pay of Rs.4600 as on 01.01.2006. It is contention of the applicant that her fixation was to be done as per the revised pay structure as regulated by Rule 7(1)(A)(ii) and not by

7(1)(A)(i) of the CCS (Revised Pay) Rules, 2008. The contents of the same are as under:-

“7. Fixation of initial pay in the revised pay structure:

(1) The initial pay of a Government servant who elects, or is deemed to have elected under sub-rule (3) of rule 6 to be governed by the revised pay structure on and from the 1st day of January, 2006, shall, unless in any case the President by special order otherwise directs, be fixed separately in respect of his substantive pay in the permanent post on which he holds alien or would have held a lien if it had not been suspended, and in respect of his pay in the officiating post held by him, in the following manner, namely :-

(A) in the case of all employees:-

(i) the pay in the pay band/pay scale will be determined by multiplying the existing basic pay as on 1.1.2006 by a factor of 1.86 and rounding off the resultant figure to the next multiple of 10.

(ii) if the minimum of the revised pay band/ pay scale is more than the amount arrived at as per (i) above, the pay shall be fixed at the minimum of the revised pay band/ pay scale;

XXX”.

3. The applicant further contended that the pay scale prescribed for the TGT entry grade is Rs.9300-34800 (PB-2) plus GP of Rs.4600. The minimum of the same comes to Rs.18460 instead of Rs.10890 plus Rs.4600 GP fixed vide impugned pay fixation order (Annexure-A/1). It is again emphasised that after the respondents wrongly fixed her pay scale, she submitted a representation dated 05.10.2009 to the respondents and requested that her pay may be fixed at Rs.12540 plus GP Rs.4600. This matter was subsequently

taken up in OA No.3783/2011, before this Tribunal and the same was disposed of vide order dated 05.01.2012, with a direction to the respondents to decide the representation to be filed by the applicant. It is now alleged that the representation has been wrongly decided and she has not been given fixation at par with her junior.

4. In reply to the contentions raised by the applicant, the respondents have pointed out that after her initial appointment in Navodaya Vidyalaya Samiti, Jalore under the Jaipur Region, the applicant was subsequently transferred to J.N.V. Bring Khera District Muktsar under Chandigarh Region on her own request. After the implementation of recommendations of the 6th Central Pay Commission, pay of the applicant was fixed by applying the multiple of 1.86 and her basic pay was fixed at Rs.10890/- with grade pay of Rs.4600/- as on 1.1.2006. As per the recommendations of the 6th Pay Commission, entry Pay in the revised pay structure for direct recruits appointed on or after 01.01.2006 for TGTs is Rs.12,540/- in the Pay Band of Rs.9300-34800 with grade pay of Rs.4600/-. However, a person can seek stepping up with his junior appointed on direct recruitment basis, if the pay of the junior appointed after his appointment is more than the pay of senior.

5. The applicant sought stepping up of her pay as compared to her junior. But, in fact, in the Chandigarh Region she was placed at the bottom of the seniority list of TGT (Hindi), so there was no junior to her, hence her representation was rejected and she was advised to seek her stepping up with Jaipur Region, if there was any body junior to her. Accordingly, she represented to Jaipur Region. Her case was examined in Jaipur Region also, but, since there was no junior appointee as TGT (Hindi) in Jaipur Region also, she was informed that her pay could not be stepped up. Orders of the CAT in OA No.3783/2011 have already been complied with and a speaking order has been passed by the competent authority vide Office Order No.2099-2101 dated 04.06.2013.

6. Heard both parties and perused the contents of the record.

7. From the above, it becomes clear that the fixation of pay was done by the respondents in this case as per the CCS (Pay) Rules, as revised from time to time. The pay of the applicant was fixed w.e.f. 01.01.2006 at Rs.10,890/- with grade pay of Rs.4600/- under Rule 7(1)(A)(i), but the pay fixation in the anomaly cases, was compared up to the level of TGTs who were working in the Chandigarh Region prior to 01.01.2006. Since, the seniority lists of TGTs are maintained region wise, the cases related to pay anomaly are to be compared/referred to within the region subject-wise on which regional seniority is maintained, as per clarification dated

08.11.2011. The respondents considered the request of the applicant regionwise/subjectwise, but since no TGT (Hindi) has been appointed or joined Jaipur Region on direct recruitment with effect from 01.01.2006 onwards, the applicant cannot claim stepping up. Similarly in the Chandigarh Region as the applicant was placed at bottom of seniority list, there is no junior to her as on date. Therefore, her case does not come within the scope of the instructions of stepping up. Further, the contention of the respondents that the applicant cannot claim benefit of Rule 7(1)(A)(ii) as the same is applicable only in the case of direct recruits is found to be correct.

8. In view of the above rule position, it is clear that the representation of the applicant has been correctly considered by the respondents and no case for stepping up is made out under the Rules.

9. In view of the above, the OA is dismissed. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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