

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.846/2013

MA No.656/2013

Order Reserved on:17.01.2017

Pronounced on:14.02.2017

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Vipin Pal Singh
S/o Sh. Mahipal Singh
TGT (Maths),
R/o B-10, Gali No.7,
Shashi Garden, Delhi-110091.
2. Alok Bhatnagar,
S/o Sh. Sunder Lal Bhatnagar,
TGT (Hindi),
R/o 4A/3112, Vasundhra,
Ghaziabad, UP-201012.
3. Parmanand Asthana,
S/o Late Sh.Panna Lal Asthana,
TGT (Hindi),
R/o 2/3, Third Floor,
Vishwakarma Park,
Laxmi Nagar, Delhi-110092.
4. Vinod Kumar Nirbhaya,
S/o Sh. M.S.Nirbhaya,
TGT (Natural Science),
R/o D-303, Sagar Sadan,
113, I.P. Extn. Patpar Ganj,
Delhi-110092.
5. Rajender Singh
S/o Sh. Ram Pal Singh
TGT (Social Science),
R/o E-232, New Ashok Nagar,
Delhi-110096.
6. Rakesh Kumar

S/o Sh.Bihari Lal
TGT (Hindi),
R/o A-145, Kondli,
Delhi-110096.

7. Govind Prasad
S/o Sh. Revti Prasad,
TGT (Social Science),
R/o 522, Gali No.9,
Kailash Nagar,
Ghaziabad-201009 (UP).
8. Rama Shankar Sharma
S/o Sh. Bhagwati Prasad Sharma,
TGT (Sanskrit),
R/o 229/29H (B-17), Gali No.19,
Railway Colony, Mandawali,
Delhi-110092.
9. Rajesh Zutshi,
S/o Sh. Virender Kumar Zutshi,
TGT (Natural Science)
R/o Flat No. 224, Sectpor-16,
Vasundhara, Ghaziabad,
UP-201012
10. Arvind Gaur
S/o Sh. B.N. Gaur
TGT (English),
R/o S-261, School Block,
Shakarpur, Delhi-110092.
11. Krishna Pal Singh
S/o Sh. Dalip Singh,
TGT (Hindi),
R/o D-30, Mariyam Nagar,
Ghaziabad (UP).
12. Siya Sharan Prasad,
S/o Sh. Mungi Prasad,
TGT (Math),
R/o 1/998, Vasundhara,
Ghaziabad-UP-201012.

13. Rajesh Kumar Mishra,
S/o Sh. S.C. Mishra,
TGT (English),
R/o 4C/1010, Vasundhra,
Ghaziabad, UP-201012

14. Rakesh Kumar,
S/o Sh. Suresh Chandra,
TGT (Social Science),
R/o RC-521, Sangam Park,
Khora Colony,
Ghaziabad (UP)

-Applicants

(By Advocate: Shri Padma Kumar S.)

Versus

1. Govt. of NCT of Delhi
Through its Chief Secretary
Delhi Secretariat, I.P. Estate,
New Delhi-110002

2. The Secretary (Education)
Govt. of NCT of Delhi
Old Secretariat, Delhi-110054.

3. The Director of Education
Directorate of Education,
Govt. of NCT of Delhi
Old Secretariat, Delhi-110054.

4. Deputy Director of Education,
District East,
Directorate of Education,
Govt. of NCT of Delhi
Anand Vihar, Delhi.

5. Union of India,
Through its Secretary,
Ministry of Finance,
Department of Expenditure,
North Block, New Delhi-110001.

6. The Principal/Head of School,

Govt. Boys Senior Secondary School,
Joshi Colony, Mandawali,
Delhi-110092

7. The Principal/Head of School,
Govt. Boys Senior Secondary School,
Mayur Vihar Phase-III,
Delhi
8. Ministry of Personnel, Public
Grievances & Pensions
(Department of Personnel & Training)
Govt. of India
(Through its Secretary)
North Block, New Delhi.

-Respondents

(By Advocate: Shri Vijay Pandita)

O R D E R

Mr. K.N. Shrivastava, Member (A):

MA No.656/2013 filed by the applicants under Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987, for joining together in single application, is allowed.

2. Through the medium of this Original Application (OA) filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants have prayed for the following main reliefs:

“(a) quash and set aside the impugned order no.F.47(4)(4)/E/A/P.Fix/12/1672-1678 dated 19.10.2012, passed by the Deputy Director of Education, District East, Directorate of Education, Anand Vihar, Delhi (Annexure-A) with all consequential benefits;

(b) order/direct the respondents to re-fix the basic pay of the applicants in the upgraded pre-revised pay scale/structure of Rs.7450-11500 (initial fixation in this scale is Rs.18,460/- i.e. Rs.13,860+Rs.4,600 Grade Pay) and thereafter revise the basic pay in that scale after multiplying with multiplier of 1.86 w.e.f. 01.01.2006; and

(c) the respondents be further ordered/directed to pay the arrears and other consequential benefits to the applicants after correct fixation of their pay as above w.e.f. 01.01.2006 and consequential stepping up in the pay of the applicants be ordered to be made, so that the applicants draw more pay after correct re-fixation than their juniors, who joined after 01.01.2006.”

3. The brief facts of this case are as under:

3.1 The applicants are Trained Graduate Teachers (TGTs) working under the Directorate of Education, Government of National Capital Territory of Delhi (GNCTD) (respondent No.3). They were recruited prior to 01.01.2006, the date with effect from which 6th Central Pay Commissions (CPC) recommendations were implemented. Since the pay revision of all cadres have taken place in terms of the 6th CPC recommendations, the TGTs recruited on or after 01.10.2006 are getting higher pay in comparison to those who were recruited prior to 01.01.2006 like the present applicants. The applicants represented to respondent No.3 for granting them the same pay scale, as has been provided to the TGTs in terms of 6th CPC but their representations were rejected by respondent No.3. A copy of the impugned rejection order dated 19.10.2012, pertaining to applicant No.1 is at Annexure A.

3.2 When the case came up for final hearing on 17.01.2017, the learned counsel for the applicants submitted that this OA can be disposed of in terms of order of this Tribunal in OA No.3217/2014, decided on 04.04.2016 (**Somvir Rana & Ors. v. Govt. of NCT of Delhi & Ors.**). In **Somvir Rana** (supra) the applicants were also TGTs working under the Directorate of Education of GNCTD. The Tribunal's direction in that case to the respondents was as under:

%2. In view of the above, the O.A. clearly succeeds and the order dated 02.08.2014 is set aside, with a direction to the respondents to refix the pay of the applicants as per 6th CPC recommendations. They should ensure that none of the applicants' pay is fixed at a stage lower than the pay which could be drawn by a direct recruit appointee on or after 01.01.2006. Time frame of two months is fixed for implementation of this order."

4. It was further submitted by the learned counsel for the applicants that the direction of the Tribunal in **Somvir Rana** (supra) has also been followed by the Tribunal in disposing OA No.3379/2014 vide order dated 28.04.2016 (**Kalawati Saran Children's Hospital Nurses Union & Ors. v. Union of India & Another**).

5. Shri Vijay Pandita, learned counsel for the respondents stated that he has no objection if this OA is disposed of in terms of the order of the Tribunal in **Somvir Rana** (supra).

6. In view of the foregoing, this OA is disposed of in terms of this Tribunal's order in dated 04.04.2016 in OA No.3217/2014 (**Somvir Rana & Ors. v. GNCTD & Others**). The applicants are granted the same relief that has been granted to the applicants in **Somvir Rana** (supra). The OA thus stands allowed.

7. No order as to costs.

(K.N. Shrivastava)
Member (A)

(Dr. Brahm Avtar Agrawal)
Member (J)

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