

**Central Administrative Tribunal
Principal Bench**

OA No. 1733/2015
MA No. 3436/2017

New Delhi, this the 15th day of September, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Praveen Mahajan, Member (A)**

1. Mahesh Dutt Pandey
S/o Shri Chandra Bhushan Pandey
Aged about 48 years,
TGT, Eng,
2. Jamna Das,
S/o Kanhaiya Lal,
Aged about 53 years,
TGT, Math
3. Prakash Vir,
S/o Baldev Singh,
Aged about 47 years,
TGT, Eng
4. Ramesh Chandra
S/o Shri Bal Govind,
Aged about 51 years,
TGT, Sanskrit
5. Yogendra Singh Meena,
S/o Dr. R.L. Singh,
Aged about 40 years,
TGT, Drawing
6. Jai Bhagwan Singh Kundu,
S/o Shri Ramphal Singh Kundu,
Aged about 49 years
TGT, SST
7. Arvind Kr. Singh,
S/o Shri Baktawar Lal,
Aged about 56 years,
TGT, SST

8. Anil Kr. Pandey,
 S/o Shri Shivanand Pandey
 Aged about 47 years,
 TGT Math,

All Posted in GBSSS, Begumpur,
 Delhi-86 - Applicants

(By Advocate: Mr. Ranjit Sharma)

VERSUS

1. The Govt. of India,
 Through the Principal Secretary,
 Department of Education,
 Old Secretariat, Delhi-54

2. Director of Education,
 Govt. of NCT, Delhi,
 At Old Secretariat, Delhi-54

3. Head of School (HOS)
 GBSSS Begumpur, Delhi-86
 School ID-1413077

- Respondents.

(By Advocate: Ms. Harvinder Oberoi)

: O R D E R (ORAL) :

Justice Permod Kohli :

The applicants are working as TGTs under the Directorate of Education, Govt. of NCT of Delhi. They are claiming entry pay of Rs.17, 140/- as on 01.01.2006 in accordance with the provisions of the Revised Pay-Fixation Rules 2008. This Application has accordingly been filed, seeking following relief:-

“i. declare that the applicants are entitled to the entry pay of Rs.17,140/- in GP 4600 w.e.f. 1-1-2006 and

accordingly quash impugned notice and pay-fixation dt. 10.4.2015 (Annexure A1 Colly supra) in the interest of justice;"

2. The applicants have also filed MA No.3436/2017, seeking disposal of this OA in terms of the judgment dated 04.04.2016 passed in OA No. 3217/2014 (**Somvir Rana & Ors. v. Govt. of NCT of Delhi & Ors.**). The same issue was involved in the aforesaid judgment. While examining the controversy, this Tribunal passed the following directions:-

"12. 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. There shall be no order to pay the interest as costs."

3. The aforesaid judgment of the Tribunal was confirmed by the Hon'ble High Court of Delhi in WP(C) No. 2634/2014 decided on 23.03.2017 wherein the following observations have been made:-

"8. Similar, though not identical controversy had arisen before this Court in WP(C) No. 8058/2015, **Union of India Vs. Malbika Deb Gupta**, decided on 04.11.2016. The writ petition of the Union of India was dismissed after referring to the rule position and the illustrations given in the Rules.

9. However, we clarify that the dismissal of the writ petition would not have any bearing and does not amount to acceptance of the contention raised in some of the OAs, which have been disposed of by the impugned order,

wherein the respondent-employee had submitted that the basic revised pay should be multiplied by the factor of 1.86.

10. For the aforesaid reasons, we do not find any merit in the present writ petition and the same is dismissed."

4. Not satisfied with the aforesaid order, the respondents preferred a Special Leave Petition before the Hon'ble Supreme Court of India which came to be disposed of vide order dated 01.09.2017 passed in Diary No. 23663/2017. The Hon'ble Supreme Court made the following observations:-

"Delay condoned.

We find that there are several matters in which the aggrieved employees have been going to the Tribunal, then to the High Court and thereafter those matters are brought before this Court at the instance of the Union of India/NCT of Delhi.

Once the question, in principle, has been settled, it is only appropriate on the part of the Government of India to issue a circular so that it will save the time of the Court and the Administrative Departments apart from avoiding unnecessary and avoidable expenditure.

The present situation is that the stepping up is available only to those who have approached the Court. But since the issue has otherwise become final, we direct the Government of India to immediately look into the matter and issue appropriate orders for granting the pay-scale so that people need not unnecessarily travel either to the Tribunal or the High Court or this Court.

With the above observations and directions, the special leave petitions are dismissed.

Pending application (s), if any, shall stand disposed of."

5. The aforesaid judgment of the Tribunal has been implemented by the Directorate of Education, Govt. of NCT of Delhi vide its order dated 08.09.2017. The relevant extract is reproduced hereunder:-

“Now, therefore, the pay in respect of all the petitioners as referred to OA No. 3217/2014 has to be refixed @17140/- (Basic Pay 12540 plus Grade Pay of Rs.4600) as on or after 01.01.2006 with Date of next increment as applicable from time to time, as per Section II of Part A of the first schedule of the Revised Pay Rules, 2006 accordingly.”

6. We have noticed that earlier the benefit of the aforesaid pay scale was granted to the applicants w.e.f. 01.01.2006 up to 10.04.2015. Thereafter the same was withdrawn.

7. The controversy being squarely covered by the aforesaid judgment of the Tribunal which stands implemented, the OA is accordingly allowed. The respondents are directed to refix the salary of the applicants at the entry level of Rs.17,140/- w.e.f. 01.01.2006 and arrears be paid w.e.f. 11.04.2015 within a period of three months from the date of receipt of a copy of this order. MA No. 3436/2017 also stands disposed of.

(Praveen Mahajan)
Member (A)

(Justice Permod Kohli)
Chairman

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