

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**O.A No. 1196/2013  
M.A No. 910/2013**

This the 1<sup>st</sup> day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Ms. Aradhana Johri, Member (A)**

1. Dr. Nahar Singh aged  
About 48 years,  
S/o. Shri Babu Ram,  
Working as Reader in SCERT New Delhi,  
R/o. H. No. B-80 A, Rajat Vihar,  
Sec-62, Noida, U.P.
  2. Dr. Pratibha Sharma aged about 56 years,  
W/o. Shri Vinod Sharma,  
Working as Reader in SCERT, New Delhi,  
R/o. 14, Shiv Shakti Apartments,  
Plot No. 10, Sector-10, Dwarka,  
New Delhi 110 075.
- ....Applicants

(By Advocate : Mr. T. D. Yadav)

Versus

1. Government of National Capital Territory of Delhi  
Through its Chief Secretary,  
Delhi Secretariat, I.P. Estate,  
New Delhi-2.
2. Union of India, through  
The Secretary, Ministry of HRD,  
Shastri Bhavan, New Delhi.
3. Principal Secretary,  
Higher Education Government of  
National Capital Territory of Delhi,  
Delhi Secretariat, I.P. Estate,  
New Delhi-2.
4. Principal Secretary of Finance  
Government of National Capital Territory of Delhi.  
Delhi Secretariat,  
I.P. Estate, New Delhi-2.

5. Guru Govind Singh Indra Prastha University  
Through its Registrar,  
Sector 16-C, Dwarka,  
Delhi.

6. SCERT through its Director,  
Varun Marg, Defence Colony,  
New Delhi.

....Respondents

(By Advocate : Mr. N. K. Singh for Mrs. Avnish Ahlawat)

### O R D E R (O R A L)

#### **Justice L. Narasimha Reddy, Chairman :**

The applicants are working as Readers in the State Council of Education Research and Training (SCERT), Government of Delhi. Through an order dated 28.05.2010, the Executive Committee of the SCERT has taken a decision to upgrade the pay scale of Readers from Rs.12000-18000 to Rs.12000-18300/- in the name of correcting anomaly. The decision was to come into effect from 01.01.2006, and an order in that behalf was passed on 28.05.2010. Incidentally, the first applicants was the Secretary and he is signatory of the order dated 28.05.2010.

2. The SCERT passed an order dated 12.07.2011 re-fixing the salary for the post of Readers indicating the corresponding revised pay structure in the revised pay scales of 2008. The applicants filed O.A No. 2725/2011 feeling aggrieved by the said order. The O.A was disposed

of on 02.05.2012 directing that the representations made by the applicants be considered. The representation was disposed of through memorandum dated 28.01.2013. The same is challenged in this O.A.

3. The applicants contend that the SCERT is affiliated to Guru Govind Singh Indra Prastha University, in the context of running the B.Ed course and it was obligatory on the part of the SCERT to implement the pay scale that are enforced in the University. They contends that when it was found that the scales of pay stipulated by the University were not implemented in SCERT, the anomaly was noticed by the Executive Committee and it was removed through order dated 28.05.2010, and that there was absolutely no basis for the State Government to pass the impugned order, rejecting the representations.

4. Respondents filed counter affidavit opposing the O.A. It is stated that the pay scales for various categories of employees of SCERT were decided in 2008 with the approval of the finance department of the State Government and in case any modification is needed, it was to be affected only with the approval of the Finance Department of the State. They further contend that the order dated 28.05.2010 was passed by the SCERT without

any basis and without the approval of the Finance Department and on noticing these irregularities, the impugned order dated 12.07.2011 was passed. It is also stated that all the points urged by the applicants in various representations were dealt with in memorandum dated 28.01.2013.

5. Learned counsel for respondents invited our attention to the order passed by the Tribunal vide order dated 15.04.2013 in O.A No. 598/2013, wherein it was held that the Executive Council of the SCERT is under official obligation to obtain prior permission of the Govt. of NCT before passing a Resolution amending terms and service conditions of its employee. This was upheld by the Delhi High Court in its order dated 08.07.2013 in W.P. (C) No. 3560/2013.

6. We heard Mr. T.D. Yadav, learned counsel for applicants and Mr. N. K. Singh for Mrs. Avnish Ahlawat, learned counsel for respondents.

7. It is no doubt true that the SCERT is an autonomous body created under the statute. The fact however remains that the entire funds are provided by Government of Delhi. Therefore:-

(a) Whenever the Executive Committee in Academic matters comes across the question of fixation of salary or imposition of any financial liability, SCERT can take decision only with the approval of the Finance Department of the State, and

(b) when it comes to question of upgradation of pay scale, the approval of the Ministry of Finance, Department of Expenditure, Government of India has to be obtained.

Without following any of these requirements, the Executive Council appears to have passed the Resolution for correcting the so called anomalies. It is not out of place to mention here that the first applicants is a signatory to this and his role in the entire process, is not difficult to imagine.

8. Once the State Government noticed the factum of upgradation of pay scale for the post of Reader, without its permission or approval, it has taken corrective measures and the impugned order was issued. Except stating that the pay scales that have been revised earlier by the Executive Committee are on par with those in the University, no other ground is pleaded.

9. The university is an independent statutory body and the services conditions of the employees in the SCERT

are governed by a separate set of rules. The relation between the SCERT and the University is only in the context of granting affiliation to run B.Ed course. Assuming that one of the conditions of granting affiliation is to implement a particular pay structure, that can be done only with the approval of the concerned authority, such as State Government and Department of Expenditure, Ministry of Finance. Admittedly, that was not done in this case.

10. The various aspects urged by the applicants in the representations were dealt with in detail. We do not find any merit in the O.A and it is accordingly dismissed. There shall be no order as to cost.

(Aradhana Johri)  
Member (A)

(Justice L. Narasimha Reddy)  
Chairman

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