

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No.180/00501/17

Tuesday, this the 12th day of June, 2018

CORAM:

Hon'ble Mr.U.Sarathchandran, Judicial Member
Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

1. John Joseph
 PGT English, Jawahar Navodaya Vidyalaya
 Vechoochira, Mennadisala P.O
 Pathanamthitta – 686 511
 Residing at Jawahar Navodaya Vidyalaya Quarters
 Vechoochira, Mennadisala P.O
 Pathanamthitta-686 511
 2. Kunhikrishnan M.V
 PGT Biology, Jawahar Navodaya Vidyalaya
 Palayadnada P.O, Vadakara, Kozhikode-673 521
 Residing at Jawahar Navodaya Vidyalaya
 Palayadnada P.O, Vadakara, Kozhikode-673 521
 3. Rajan K.P
 PGT Hindi, Jawahar Navodaya Vidyalaya
 Lakkidi P.O, Vythiri, Wayayad – 673 576
 Residing at Jawahar Navodaya Vidyalaya Quarters
 Lakkidi P.O, Vythiri, Wayanad – 673 576
- Applicants

(By Advocate – Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. Union of India represented by its Chairperson
 Navodaya Vidyalaya Samithi
 Ministry of Human Resource & Development
 Shastri Bhawan, New Delhi – 110 001
2. The Commissioner
 Navodaya Vidyalaya Samiti
 Department of School Education & Literacy
 Government of India, B 15, Institutional Area
 Sector 62, Noida, Gautam Budh Nagar Dist
 Uttar Pradesh – 201 309

3. The Deputy Commissioner (Pers)
Navodaya Vidyalaya Samiti (Hyderabad Region)
Ministry of Human Resource & Development
1-1-10/3, Sardar Patel Road,
Secunderabad-500 003

..... Respondents

(By Advocate – Mr.Millu Dandapani for R 1 - 3)

This application having been heard on 7.6.2018, the Tribunal on 12.6.2018 delivered the following:

O R D E R

Per: **Hon'ble Mr.U.Sarathchandran, Judicial Member**

Applicants are Post Graduate Teachers (PGT for short) working in the Jawahar Navodaya Vidyalaya. The first applicant was appointed as Trained Graduate Teacher (TGT for short) (English) on 10.9.1991, second applicant was appointed as TGT (Science) on 4.10.1989 and the 3rd applicant was appointed as TGT (Hindi) on 7.12.1989. They were granted Senior Scale on completion of 12 years service as a TGT and were placed in the Grade Pay of Rs.4800/- as per Annexure A-1 and similar orders. Subsequently, the applicants were promoted as Post Graduate Teachers on different dates in 2008 vide Annexure A-2 and similar orders. On promotion as Post Graduate Teachers, no financial benefit was granted to them as they were already placed in Senior Scales. Now the applicants have completed more than 24 years of service. Applicants are eligible for grant of Selection Grade in terms of Annexure A-3 Navodaya Vidyalaya Samithi communication dated 25.5.2005. As the applicants have completed 12 years service in the Senior Scale, they submitted Annexure A-4, Annexure A-6 and Annexure A-7 representations for grant of Selection Grade. Applicants state that the stand taken by the respondents is that Selection Grade can be given to TGT's who have got senior scale and have completed 24 years of service

and not promoted as PGT would be discriminatory as it would amount to meritorious candidates i.e, those being promoted as PGT being deprived of entitled financial benefits. Though MACP scheme has been introduced under Navodaya Vidyalaya vide Annexure A-8 Office Order, the teaching staff are excluded from the purview of Annexure A-8. Applicants point out that the staff nurses would get Grade Pay of Rs.5400/- in PB-2 on completion of 20 years of service, whereas, the applicants who are PGT's are getting only G.P of Rs.4800/- even after 25 years of service.

2 Applicants further state that denial of benefits under MACP to the Teaching Staff would amount to creation of 2 classes of employees i.e, the employees with MACP Scheme and employees without MACP Scheme and hence it is violation of the equality clause of the Constitution of India. Applicants therefore prays for directing the respondents to consider granting Selection Scale to the applicants on completion of 24 years of service in Jawahar Navodaya Vidyalaya and to direct the respondents to grant the applicants Grade Pay of Rs.5400/- on completion of 12 years in Senior Scale and also to extend the benefit of MACP Scheme to the teaching staff of NVS like the applicants.

3 In the reply statement filed, respondent nos.1-3 stated as follows:-

“3. It is further submitted that the Co-ordinate Bench of this Tribunal at Chandigarh vide order dated 18.3.2017 in O.A No.060/855/2016 in respect of one Ms.Kamlesh Goyal have granted selection scale to the applicant therein. Accordingly, this respondent by issuing a speaking order No.F:10-8/2016/NVS(Estt.I)Pt/3865, dated 24.8.2017 has passed the following order:

“..... She is, therefore, in accordance with the instructions of the Samiti dated 6.11.2000 & 31.5.2002 on the subject matter “Grant of Senior/ Selection Scale to the Teachers and Vice Principals, eligible for grant of Selection Scale of 15600-34800 with Grade Pay 5400 w.e.f 31.5.2013

subject to fulfilling the prescribed eligibility criteria and found fit. With regard to her request for promotion to the post of Vice Principal, it is stated that promotion to her has not been denied so far. As and when her turn comes to for promotion as per the seniority, she will be considered for the same by the duly constituted DPC for promotion to the post of Vice Principal subject to her fulfilling the eligibility conditions as prescribed in the Recruitment Rules and found fit. “

A true copy of the order No.F:10-8/2016/NVS(Estt.I) Pt/3865, dated 24.8.2017 is produced herewith and marked as Annexure R2(a)

3.In the light of Annexure R2(a) the applicants were also directed to be extended the said benefit in tune with Ms.Kamlesh Goyal's case. Accordingly, the 2nd respondent's office has issued a letter to the 3rd respondent to grant the said benefits to the applicants. A true copy of the letter F.No.10-10/2017-NVS(Estt.I)/6056, dated 1.3.2018 is produced herewith and marked as Annexure R2(b). Therefore, the grievance of the applicants has been redressed vide Annexure R1(b) and this respondent submits that nothing further survives in the case of the applicants.

4 We have heard both sides and perused the records.

5 We are of the view that the applicants are also entitled to the same benefit as has been given to Ms.Kamlesh Goyal in terms of what has been stated in Annexure R2(a) office order dated 24.8.2017. Respondents are directed to extend the benefits granted to Smt.Kamlesh Goyal to the applicants as mentioned in Annexure R2(a) within one month with all consequential benefits.

6 The Original Application is disposed of as above. No order as to costs.

7 In view of the order O.A, M.A 180/538/2018 is closed.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(U.SARATHCHANDRAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A-1 - True copy of order No.1-171/NVS(HR)/2004 dated 28.4.2004 issued by the 3rd respondent to the 1st applicant

Annexure A-2 - True copy of the order No.F.No.1-96/NVS(HR)/2008/3183 dated 22.9.2008 issued by the 3rd respondent to the 3rd respondent

Annexure A-3 - True copy of the Navodaya Vidyalaya Samiti Communication No.F.No.2-119/99-NVS(Estt) dated 25.2.2005

Annexure A-4 - True copy of the representation submitted by the 1st applicant to the 3rd respondent

Annexure A-5 - True copy of the communication No.F.3-69/JNVP/Pers/2009-10/614 dated 18.11.2015 issued by the Principal, JNV Pathanamthitta to the 3rd respondent

Annexure A-6 - True copy of the representation submitted by the 2nd applicant dated 15.7.2015 to the 3rd respondent

Annexure A-7 - True copy of the representation submitted by the 3rd applicant dated 31.12.2014 to the Assistant Commissioner, NVS

Annexure A-8 - True copy of Office Order No.F.No.2-6/2009-NVS(Estt-II) dated 18/22.03.2011 issued by the 2nd CC respondent (relevant portion).

Annexure R2(a) - True copy of the order No.F.10-8/2016/NVS(Estt.I)Pt/3865 dated 24.8.2017

Annexure R2(b) - True copy of the letter F.No.10-10/2017-NVS(Estt.I)/6056, dated 1.3.2018

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