

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O. A. No.60/1060/2016

Date of decision: 02.05.2018

(Reserved on: 19.03.2018)

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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Tarsem Kumar Sharma S/o Late Sh. Ram Chander Sharma, aged 59 years, working as Upper Division Clerk at Kendriya Vidyalaya No.1, near Patel Park, Ambala Cantt. (Group-C).

... APPLICANT

VERSUS

1. Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016 through its Commissioner.
2. The Chairman, Kendriya Vidyalaya Sangathan, 18 Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
3. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, SCO-72, 73, Sector-31-A, Chandigarh.
4. The Principal, Kendriya Vidyalaya No.1, near Patel Park, Ambala Cantt 133001.

... RESPONDENTS

PRESENT: Sh. K.B. Sharma vice Sh. D.R. Sharma, counsel for the applicant.

Sh. R.K. Sharma, counsel for the respondents.

ORDER

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SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant assails order dated 16.6.2016 (Annexure A-1) whereby his claim for grant of ACP in the pay scale of 5500-9000

w.e.f. 12.10.2000 has been rejected. He has also sought direction from this Tribunal to direct the respondents to grant him benefit arising out of order dated 19.05.2011 passed by the Jabalpur Bench of the Tribunal in the case of S. Swaminathan vs. UOI & Ors., with all consequential benefits.

2. Facts are not in dispute.
3. Conjunctive perusal of the pleadings makes it clear that applicant commenced his service as LDC on 9.1.1979. He was promoted to the post of UDC after passing departmental test, where he joined on 8.2.1985 and was placed in the pay scale of Rs.4000-6000. Respondents introduced ACP Scheme for grant of financial upgradation to remove hardship and stagnation on 9.8.1999, which was adopted by respondent KVS on 21.03.2001 w.e.f. 12.10.2000. On completion of 12 years service, applicant was granted financial up-gradation in the pay scale of 4500-7000 w.e.f. 12.10.2000 i.e. the date when ACP Scheme was introduced in the respondent department. Dis-satisfied with the view taken by the respondents in not placing him in the pay scale of Rs.4500-9000, which is applicable to next promotional post of UDC i.e. of Assistant, the applicant submitted representation based upon the order dated 19.05.2011 passed by the Jabalpur Bench of the Tribunal in the case of **S. Swaminathan vs. UOI & Ors.** which has been turned down by the respondents rejecting his claim. Hence this O.A.
4. The respondents have resisted the claim of the applicant on the plea that case of the applicant is not similar to S. Swaminathan case. It has been submitted that there are two separate cadres exist in the Sangathan for non-teaching staff i.e. one cadre is at Kendriya

Vidyalaya Sangathan (HQ)/Regional Offices and second is in Kendriya Vidyalayas (KV). For both non-teaching staff working at KVS headquarter level or at KVS are also having separate seniority list. UDC at KVS (HQ)/Regional Offices are to be considered for next promotion to the post of Assistant/Audit Assistant in the pay scale of Rs.5500-9000 whereas UDCs working in KV are to be considered for promotion to the post of Head Clerk in the pay scale of Rs.4500-7000, therefore, it is submitted that applicant has rightly been placed in the pay scale of Rs.4500-7000 while granting him benefit under the said Scheme.

5. We have given our thoughtful consideration to the entire matter.
6. It is not denied by the applicant that he was working as UDC in Kendriya Vidyalaya for which next promotional post is that of Head Clerk in the pay scale of Rs.4500-7000 whereas UDC at KVS (HQ)/Regional Office are having different promotion channel i.e. Assistant/Audit Assistant in the pay scale of Rs.5500-9000. Since they are having different hierarchy of promotion and different pay scale as envisaged under CCS (Revised Pay) Rules, 1997, therefore, employees under different streams, who are having same designation that of non-teaching cannot claim same benefit that is admissible to other wings of non-teaching as they are having separate promotional avenues that too different post having higher pay scale. This can be seen from Annexure R-1 i.e. CCS (Revised Pay) Rules, 1997, where post of UDC has been placed in the pay scale of Rs.4000-6000 and promotional post is that of Assistant/Audit Assistant in the pay scale of Rs.5500-9000 that too in Group 'C' whereas post of the applicant i.e. non-teaching post of

K.V. has separate pay scale where post of UDC has been placed in the pay scale of Rs.4000-6000 and next promotional post is Head Clerk in pay scale of Rs.4500-7000 that is also in Group 'C' and next promotional post is that of Superintendent, which is in the pay scale of Rs.5500-9000. Thus, view taken by the respondents in rejecting the claim of the applicant for grant of same benefit as has been granted to S. Swaminathan (supra) cannot be interfered. Accordingly, the O.A. is hereby dismissed being devoid of merit.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date:
Place: Chandigarh.

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