

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

OA./21/294/2017

Dated: 25.01.2018

BETWEEN:

S. Mahesh,
S/o. S.V. Narasa Raju,
aged about 41 years,
Occ: Post Graduate Teacher,
Navodaya Vidyalaya Samithi,
Mamnoor Post, Warangal – 506 166.

..... Applicant

AND

1. Union of India rep. by
The Secretary,
Ministry of Human Resource Development,
(Department of Education), New Delhi.
2. The Commissioner,
Navodaya Vidyalaya Samithi,
(An Autonomous Organization under Ministry of HRD),
B-15, Institutional Area, Section-62, Noida,
Gautam Budh Nagar District, Uttar Pradesh.
3. The Dy. Commissioner,
Navodaya Vidyalaya Samithi,
Nalagandla Road, Gopanpalli,
Hyderabad – 500 107.
4. The Principal
Navodaya Vidyalaya Samithi,
Mamnoor Post, Warangal – 506 166.

..... Respondents

Counsel for the Applicant : Dr. A. Raghu Kumar, Advocate
Counsel for the Respondents : Mr. N. Srinatha Rao, SC for NVS

CORAM

Hon'ble Mr. Justice R. Kantha Rao, Judicial Member
Hon'ble Mrs. Minnie Mathew, Administrative Member

ORAL ORDER
{Per Hon'ble Mr. Justice R. Kantha Rao, Judl. Member }

Heard both side learned counsel.

2. The O.A. is filed to set aside the order passed by the Respondents dated 28.11.2016 rejecting the claim of the applicant for extending the benefit of pay band of Rs.13350/- with GP of Rs.4800/- which is the minimum basic to a new entrant PGT in pursuance of the VI CPC recommendations vide Notification dated 29.8.2008 as being illegal and to declare that the applicant is entitled for pay fixation @ Rs.13350/- + GP Rs.4800/- as on 1.1.2006.
3. The brief facts relevant for considering the present O.A. are that the scale of the applicant, who joined as Post Graduate Teacher (Maths) was fixed in the pay scale of Rs.6500-200-10500/. The scale of the applicant was fixed at Rs.12840/- with G.P. Rs.4800/- applying the pay fixation formula of Basic X 1.86 which comes to Rs.12834/- which was further rounded off to nearest ten i.e. Rs.12840/. Subsequently, the applicant came to know that his pay was fixed as on 01.01.2006 at Rs.12840/- with Grade Pay of Rs.4800/- far below a new entrant PGT as on 01.01.2006. Aggrieved thereby, he submitted a representation claiming the pay on par with new entrant Post Graduate Teacher whose entry scale is Rs.13350/- + G.P. Rs.4800/- as on 01.01.2006. The said representation was rejected. Feeling aggrieved, he filed the present O.A.
4. Though the claim is opposed by the Respondents in their reply statement, identical issue has been adjudicated by various Tribunals and High Courts. Learned counsel appearing for the applicant submits that in

the common order passed by the Central Administrative Tribunal, Jabalpur Bench vide order dated 8.12.2017 in OA No. 200/00380/2016 & batch, the Tribunal, after thoroughly examining the issue, disapproved fixation of pay scale of Post Graduate Teachers who had already been in service lower to that of new entrant Post Graduate Teachers as on 01.01.2006. The Tribunal held as follows:

“.....Admittedly, the applicants have led several years of service as direct recruit as TGT/ PGT as on 01.01.2006, would get less pay against the direct recruit with same qualification and conditions of service who joins on 01.01.2006. So that, these cannot be prejudiced who joins much earlier than the person recruited as on 01.01.2006. Regarding pay scale as it would violate Article 39(d) of the Constitution of India which has now assumed the level of a Fundamental Right and also Article 14 & 16 of the Constitution being irrational and arbitrary. “

Accordingly, the Tribunal held that the applicants therein are entitled to the pay scale of new entrant PGTs. Same view was taken by the Principal Bench of Central Administrative Tribunal in OA No.825/2016 & batch.

5. In view of the orders in the above O.As by the respective Benches, the applicant in the instant case is also entitled for the relief claimed in the O.A. The O.A. is, therefore, allowed and the Respondents are directed to consider to re-fix the pay of the applicant at the minimum prescribed in the CCS (Revised Pay) Rules, 2008 for the post of Post Graduate Teacher for an entrant who joined on or after 01.01.2006 with all consequential benefits. The Respondents shall complete the above exercise within three months from the date of receipt of a copy of this order. No order as to costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

pv Dated the 25th January, 2018
(Dictated in the Open Court)