

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.265/2016.

Date of Decision: 12.01.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

1. Shri Yugalkishor Kusobha
Khewle,
Working as TGT (Mathematics),
JNV, Nakane Dhule,
R/at JNV Quarters,
Nakane Dhule.
2. Mr. Andhale Vithoba Ashruba
Working as TGT (English),
JNV, Nakane (Dhule),
R/at JNV Quarters,
Nakane Dhule.
3. Mr. Bhoi Niranjana Shankar
Working as TGT (Social Science),
JNV, Nakane (Dhule),
R/at JNV Quarters, Nakane,
Dhule.
4. Mr. Sunkoji Shrinivas Bhumayya,
Working as TGT (Mathematics)
JNV, Kolhapur.
R/at JNV Quarters,
Kolhapur (M.S.).
5. Mr. Someshwar M. Asutkar
Working as TGT (Science)
JNV, Kagal (Kolhapur)
R/at JNV Quarters,
Kegal, Dist. Kolhapur.
6. Mr. Sudhakar Malappa
Working as TGT (Science)
JNV, Shankarnagar, Nanded
R/at JNV Quarters,
Shankarnagar, Nanded.
7. Mr. Sanjay Punjabrao Bajare

Working as TGT (Science)
JNV, Yavatmal
R/at JNV Quarters,
Yavatmal (M.S.).

8. Mr. Narendra Ramkant Thakare
Working as TGT (English)
JNV, Yavatmal.
R/at JNV Quarters,
Yavatmal (M.S.).
9. Mr. Karkhelikar Shriniwas
Working as TGT (Mathematics)
JNV, Balsa, Prabhani
R/at JNV Quarters, Balsa
Prabhani (M.S.).
10. Mr. Vivek Khusalrao Jagtap
Working as TGT – Librarian-
Marathi, JNV, Belora (Yavatmal)
R/at JNV Quarters, Belora,
Dist. Yavatmal (M.S.).
11. Mr. R.K. Mothgare
Working as TGT (Mathematics)
JNV, Navegaon Bandh (Gondia)
R/at JNV Quarters,
Navegaon Bandh, Dist. Gondia.
12. Mr. Wasudeo Nathuji Patil
Working as TGT (Mathematics)
JNV, Nizampur (Raigad)
R/at JNV Quarters, Nizampur,
Dist. Raigad.
13. Mr. Manish Tukaram Ambekar
Working as TGT (Mathematics)
JNV, Shankarnagar, Bioli.
R/at JNV Quarters, Shankarnagar,
Tal. Bioli, Dist. Nanded.
14. Mr. Hashyavinod Shreeram Sorte,
Working as TGT (Mathematics)
JNV, Gadhi (Beed)
R/at JNV Quarters, Gadhi,
P.P. Ranjani, Dist. Beed.
15. Smt. Chhaya Bansidhar Prabhe
Working as TGT (Mathematics)

JNV, Beed.
R/at JNV Quarters,
Beed.

16. Mr. Rayate Prakash Ananda
Working as TGT (Mathematics)
JNV, Akkalkuwa (Nandurbar)
R/at JNV Quarters,
Akkalkuwa, Nandurbar.
17. Shri Patil Kiran Gulab
Working as TGT (English)
JNV, Akkalkuwa (Nandurbar)
R/at JNV Quarters,
Akkalkuwa, Nandurbar.
18. Mrs. Sunita R. Ram
Working as TGT (Maths)
R/at JNV Quarters, Palghar
Dist. Palghar.
19. Mrs. Kalpita Jayesh Zope
Working as TGT (Mathematics)
JNV, Takli Dhokeshwar
Tq. Parner Dist. Ahmednagar
R/at JNV Quarters, Takli
Dhokeshwar, Tq. Parner Dist.
Ahmednagar (M.S.).
20. Mr. Ram Suukhdeorao Thakare
Working as TGT (Mathematics)
JNV, Shankarnagar, Bioli (Nanded)
Promoted to PGT (Maths)
JNV, Jamnagar.
R/at JNV Quarters,
Jamnagar (Gujarat).
21. Mr. Yuraj Girmaji Mhaske
Working as TGT (Mathematics)
JNV, Amba-partur (Jalna)
R/at JNV Quarters,
Amba-Partur, Dist. Jalna.
22. Mr. Rahul S. Waghmode
Working as TGT (English)
JNV, Amba-Partur (Jalna)
R/at JNV Quarters,
Amba-Partur Dist. Jalna.

23. Mr. Raut Vilas Shivaji Rao
Working as TGT (Science)
JNV, Takli Dhokeshwar,
Ahmednagar
R/at JNV Quarters,
Takli Dhokeshwar,
Ahmednagar.
24. Mr. Dekate Shriram Gopichand
Working as TGT (Mathematics)
JNV, Takli Dhokeshwar
Tq. Parner, Dist. Ahmednagar
R/at JNV Quarters, Takli Dhokeshwar
Tq. Parner. Dist. Ahmednagar.
25. Bhagwan Rangnatharao Wanjare
Working as TGT (Social Studies)
JNV, Ghot (Gadchiroli)
R/at JNV Quarters, Ghot,
Dist. Gadchiroli.
26. Mr. Prashant Vithalrao Bhande
Working as TGT (Mathematics)
JNV, Ghot (Gadchiroli)
R/at JNV Quarters, Ghot,
Tal. Chamorshi, Dist. Gadchiroli.
27. Mr. Uddhav Vikramrao Ware
Working as TGT (Science)
JNV, Ghot (Gadchiroli)
R/at JNV Quarters, Ghot,
Tal. Chamroshi, Dist. Gadchiroli.
28. Mr. Harichandra Yadav
Working as TGT (Hindi)
JNV, Navegaon, Khairi (Nagpur)
R/at JNV Quarters,
Navegaon, Khairi, Dist. Nagpur.
29. Mr. Milind Arunpant Kherde
Working as TGT (Science)
JNV, Navegaon, Khairi
R/at JNV Quarters, Navegaon,
Khairi, Tal. Parseoni, Dist. Nagpur.
30. Anil Madhav Gawle
Working as TGT (English)
JNV, Navegaon, Khairi.
R/at JNV Quarters, Navegaon,

Khairi, Tal. Parseoni,
Dist. Nagpur.

31. Ms. Amrapali Damodar Khobragade
Working as Staff Nurse
JNV, Gondia.
R/at JNV Quarters, Gondia.

32. Smt. Kalpana Shankar Bokade
Working as Librarian
JNV, Gondia.
R/at JNV Quarters, Gondia.

33. Sopan Sawale
Working as TGT (So. Studies)
JNV, Babhulgao, (Jahan)
R/at JNV Quarters, B-3 Tal &
Dist. Akola.

34. Rajesh Sontake
Working as Art Teacher (TGT Cadre)
JNV, Babhulgao, (Jahan)
R/at JNV Quarters, B-4 Tal. &
Dist. Akola (M.S.).

35. Prashant Khandalkar
Working as TGT (Hindi)
JNV, Babhulgao, (Jahan)
R/at JNV Quarters, Tal &
Dist. Akola.

36. Mr. Wadwalkar Ravi Pandurangrao
Working as TGT (Hindi)
JNV, Basmathnagar, Dist. Hingoli
R/at JNV Quarters, Basmathnagar,
Dist. Hingoli.

37. Mr. Atul Dattatray Shinde
Working as TGT (Mathematics)
JNV, Basmathnagar, Dist. Hingoli
R/at Nilgiri A-1, JNV Campus
Parbhani, Nanded Road,
Basmathnagar Dist. Hingoli.

38. Mr. Atul Wasudeo Dabhade
Working as TGT (Science)
JNV, Basmathnagar Dist. Hingoli
R/at Shivalik A Quarters,
R.No. 01, JNV Campus,

Basmathnagar, Dist. Hingoli.

39. Mrs. Jidnyasa Suhas Waghmare
Working as TGT (Science)
JNV, Nizampur, Raigad.
R/at JNV Quarters, Nizampur,
Raigad.

40. Mr. Suhas Vithal Waghmare
Working as PGT (English)
JNV, Kagal, Kolhapur
R/at JNV Quarters, Kagal,
Kolhapur.

41. Kirti Anant Fulzele
Working as TGT (PET) (Female),
JNV Bhusawal.
R/at JNV Quarters, Sakegaon,
Bhusawal, Dist. Jalgaon 425 201.

... ***Applicants***

(Advocate Shri Vicky Nagrani)

Versus

1. Union of India,
Through the Secretary,
Ministry of Human Resource
Development,
Department of School Education
and Literacy, Shastri Bhawan,
New Delhi 110 001.

2. The Commissioner,
Navodaya Vidyalaya Samiti,
B-15 Institutional Area,
Sector 62, Noida 201 370.

3. The Deputy Commissioner,
Navodaya Vidyalaya Samiti
Sheti Mahamandal Bhawan,
(MSFC Ltd.), IInd Floor, B- Wing,
270 Bhamburda, Senapati
Bapat Raod, Pune 411 016.

... ***Respondents***

(Advocate Shri V.S. Masurkar)

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out,
heard Shri Vicky Nagrani, learned Advocate

for the applicants and Shri V.S. Masurkar, learned Advocate for the Respondents.

2. In this OA, the following reliefs are sought:-

“8.a) This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same quash and set aside the impugned order dated 19.04.2013 and 04.12.2014 with all consequential benefits.

8.b) This Hon'ble Tribunal may further be pleased to direct the respondents to re-fix the pay of the applicants, in the minimum pay scale of a TGT as recommended by the 6th Pay Commission or in alternate to grant pay scale of Rs.12540/- +4600 (Grade Pay) = Rs.17140/- to the applicants as has been granted to a new entrant joining on 01.01.2006 or after that date as recommended by the 6th Pay Commission or to step up the pay of the applicants in respect to the TGT Teachers junior to them in the Navodaya Vidyalaya Samiti irrespective of their Region and subject and with all consequential benefits.

8.c) This Hon'ble Tribunal may further be pleased to direct the respondents to step-up the pay of the applicants on par with their juniors whereby refixing the basic pay of the applicant at Rs.12540/- and grade pay of Rs.46000/- w.e.f. 01.01.2006 and pay them the arrears of salary with all consequential benefits.

8.d) This Hon'ble Tribunal may further direct the respondents to pay to the applicants the arrears of pay & allowances on account of re-fixation of their Basic Pay at Rs.12540/- w.e.f. 01.01.2006 along with interest @18% per annum.

8.e) Cost of the application be provided for.

8.f) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed.”

3. The OA is opposed by the Respondents.

4. Today the learned Advocate for the applicants produced photo copy of the Office Order No.8-5(1)/2016-NVS (Estt.-III)/23-601) dated 05.01.2018 issued by Respondent No.2 by which a decision is taken to permit teachers appointed prior to 01.01.2006 to get their pay step up with reference to directly recruited first teachers in that category on or after 01.01.2006. For the sake of convenience and ready reference, the entire text of the letter is reproduced herein below:-

“8-5(1)/2016-NVS(Estt.-III)/23-601

dated 05.1.2018

*Deputy Commissioner,
Navodaya Vidyalaya Samiti,
All Regional Office.*

Sub: Stepping up of pay of PGTs/TGTs who joined NVS prior to 01.01.2006 with reference to direct recruited PGTs/TGTs joined on or after 01.01.2006.

Sir,

It has been observed that some of PGTs/TGTs, who have joined NVC prior to 01.01.2006, are filing their grievances to this office repeatedly to step up their pay with reference to the directly recruited juniors appointed on or after 01.01.2006 in their respective cadre.

Pay of the PGTs who joined NVS prior to 01.01.2006 has been fixed by multiplying their existing basic pay as on 01.01.2006 by the factor

of 1.86 rounded off to the nearest multiple of 10 and GP 4800 and those PGTs who have joined NVS on or after 01.01.2006 on direct recruitment basis are granted entry pay as indicated in Section II of Part A of First Schedule of the CCS (Revised Pay) Rules, 2008 i.e. 13350 + GP 4800 (Rs. 18550). By virtue of different methods of fixation of pay for PGTs who joined prior to 01.01.2006 and who joined on or after 01.01.2006, some of senior PGTs working in the cadre prior to 01.01.2006 are drawing less pay as compared to their junior.

Similarly in the case of TGTs/Misc. Category teachers who joined NVS prior to 01.01.2006, their pay has been fixed by multiplying the existing basic pay as on 01.01.2006 by the factor of 1.86 rounded off to the nearest multiple of 10 and GP 4600 and they have been drawing less pay as compared to those TGTs/Miscellaneous category teachers who joined NVS on or after 01.01.2006, as they are getting entry pay i.e. 12540+4600 GP.

In view of various pending court cases in different Hon'ble CATs & Hon'ble High Courts on the above issue and in light of Hon'ble Supreme Court of India's order dated 01.09.2017 on the issue, wherein the Hon'ble Court has directed to rectify the anomaly of two pay structures for same TGT/PGT, the issue was reconsidered in the light of Recruitment Rules 2007 for TGT and PGT and it has been decided to permit PGTs and TGTs appointed prior to 01.01.2006 to get their pay step up with reference to directly recruited first PGT and first TGT respectively who was directly recruited on or after 01.01.2006.

Similarly, in case of Music Teacher, Art Teacher, SUPW Teacher, Librarian, PET (Male) and PET (Female), also it has been decided to permit these teachers appointed prior to 01.01.2006 to get their pay step up with reference to directly recruited first teachers in that category on or after 01.01.2006.

A consolidated list of teachers to whom the pay will be revised as per the above direction is to be forwarded to this office in the format

given below on or before 31.01.2018 for record purpose.

SI.No	Name	Designation	JNV/State	Pay before revision	Pay after revision.	Name of the teacher referred for anomaly	Designat-ion	JNV/ State
1	2	3	4	5	6	7	8	9

This issue with approval of the competent authority.

*Yours faithfully,
sd/-
(G. Aarumugam)
Deputy Commissioner (PR)*

*Copy to:
1. All Principles JNV.
2. Assistant Deputy Commissioner (Estt.1)
Headquarters – Please upload this on official website of the office.”*

5. The said letter is taken on record and marked as Annexure 'X'. Its copy is already served on the learned Advocate for the Respondents.

6. In view of this, nothing survives in this OA. The OA, therefore, stands disposed of with a direction to the respondents to take appropriate steps in pursuance of the aforesaid letter dated 05.01.2018 after verifying the eligibility of the applicants to get relief.

7. This exercise shall be done as

expeditiously as possible preferably within a period of twelve weeks from the date receipt of certified copy of this order.

8. The order so passed shall be communicated to the applicants at the earliest, who will be at liberty to take appropriate steps, in case their grievance still persists.

9. DASTI.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.