

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 291/35/2014

DATE OF ORDER: 03.01.2019

CORAM

**HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER**

Dilip Kumar S/o Shri Ram Bharosi Lal, age 48 years, R/o 188, Raghunath Puri-II, Near Airport Sanganer, Jaipur, presently working as PET, Nayodaya Vidhyalaya Samiti, BAI, MEWAT.

....Applicant
Mr. Amit Mathur, counsel for applicant.

VERSUS

1. The Union of India through Commissioner, Navodayya Vidyalaya Samiti, Ministry of Human Resource Development, Department of School Education and Literacy, Government of India, B-15, Institutional Area, Sector 62, Noyada, Gautam Budh Nagar, (U.P.).
2. The Deputy Commissioner, Navodayya Vidyalaya Samit, Regional Office, 18 Sangram Colony, Mahaveer Marg, C-Scheme, Jaipur.

....Respondents
Mr. Hawa Singh, counsel for respondents.

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

The present Original Application has been filed by the applicant seeking the following reliefs:

"(i) The present original application made by the applicant may kindly be allowed and directions may be issued to the respondents to set aside or modify the order Annexure-A/1 with directions to the respondents to allow the applicant basic pay of Rs. 12540/- w.e.f. 1.1.2006 to 12.06.2008. Further directions may be issued to the respondents to allow the applicant benefit of M.A.C.P. after the completion of 10 years of services or after the currency of the punishment period. The respondents may further be directed to make the payment of arrears along with interest.

(ii) any other order or direction which deem fit and proper in the facts and circumstances of the case may also be passed in favour of the applicant.

(iii) Cost of this original application also may be awarded in favour of the applicant."

2. At the very outset, learned counsel for the respondents has pointed out that during pendency of the present Original Application, the Government of India, Ministry of Finance, Department of Expenditure has issued an Office Memorandum No. 8-23/2017-E.IIIA dated 28th September, 2018 wherein the following decision has been taken: -

"8. Accordingly, the President is pleased to decide that in respect of those posts where entry pay for direct recruits appointed on or after 1.1.2006, as per Section II of Part A of the First Schedule of CCS (RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of Central government employees who were appointed to such posts prior to 1.1.2006 and whose pay, as fixed in the revised pay structure under Rule 7 thereof as on 1.1.2006 turns out to be lower than the prescribed entry pay for direct recruits of that post, shall not be less than such entry pay w.e.f. 1.1.2006. Likewise, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 1.1.2006 and whose pay, as fixed under Rule 13 of CCS (RP) Rules, 2008, happens to be lower than the said entry pay, shall also not be less than such entry pay from the date of their promotion taking place on or after 1.1.2006."

3. Learned counsel for the respondents has further pointed out that following the aforesaid decision of the Government of India, Ministry of Finance, the Navodaya Vidyalaya Samiti has issued the directions to all Regional Offices vide letter No. PER-14026/5/2018-O/o AC(Estt-III) dated 14.11.2018 to fix the pay of the concerned employees and disburse their salaries accordingly w.e.f. 01.01.2019. A further direction has been issued to make the payment of arrears to such employees for the period commencing from 01.01.2006 to 30.12.2018.

4. The Office Memorandum dated 28th September, 2018 issued by the Government of India, Ministry of Finance and letter dated 14.11.2018 issued by Navodaya Vidyalaya Samiti as produced by learned counsel for the respondents are taken on record.

5. Learned counsel for the applicant, however, states that Office Memorandum dated 28th September, 2018 issued by the Government of India, Ministry of Finance and letter dated 14.11.2018 issued by Navodaya Vidyalaya Samiti though mitigate the demand of the applicant but the exercise with regard to his pay fixation has not been undertaken by the respondents pursuant to the said decision of the Government of India, Ministry of Finance.

6. In view of the above, we deem it appropriate to dispose of the present Original Application by issuance of a direction to respondents to undertake the exercise of applicant's pay fixation in terms of Office Memorandum dated 28th September, 2018 issued by the Government of India, Ministry of Finance and letter dated 14.11.2018 issued by Navodaya Vidyalaya Samiti within a period of two months from today.

7. Ordered accordingly. No order as to costs.

**(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER**

**(SURESH KUMAR MONGA)
JUDICIAL MEMBER**