

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/185/2013

DATE OF ORDER: 14.12.2018

CORAM

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

Kailash Chand Meena S/o Shri Kalyan Prasad Meena, R/o Phaili Ka Pura, Post Todupura, Tehsil Hindaun, District Karauli, presently posted as T.G.T. (Social Science), at Jawahar Navodaya Vidyalaya, Pachpahar, District Jhalawar.

....Applicant

Mr. G.S. Gill, counsel for applicant.

VERSUS

1. Navodaya Vidyalaya Samiti through its Commissioner, A-28, Kailash Colony, New Delhi – 110048.
2. The Dy. Commissioner, Navodaya Vidyalaya Samiti, Regional Office, 18, Sangram Colony, 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). By an appropriate order or directions the matter of the applicant may be considered and benefit of stepping up of the pay w.e.f. 01-01-2006, at par with juniors immediately with concerned applicant.
- (ii). Any other appropriate order or a direction which is deemed just and proper by this Hon'ble Tribunal may also be passed in favour of the applicant.
- (iii). The Original Application may kindly be allowed throughout with costs."

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