

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 168/2016

DATE OF ORDER: 07.01.2019

CORAM

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

1. Suresh Chandra Baghel son of Shri B.R.Baghel, aged about 45 years, resident of JNV Campus, Dausa, Rajasthan. At present working on the post of PET (Physical Teacher), Jawahar Navodaya Vidyalaya (JNV) Dausa (Rajasthan).
2. Mrs. Umesh Dhawan daughter of Shri Malik Krishan Dhawan, aged about 41 years, resident of JNV Campus, Dausa, Rajasthan. At present working on the post of TGT (English), Jawahar Navodaya Vidyalaya (JNV) Dausa.
3. Om Prakash Meena son of Shri Jailal Meena, aged about 36 years, resident of JNV Campus, Dausa, Rajasthan. At present working on the post of TGT (Hindi), Jawahar Navodaya Vidyalaya (JNV) Dausa.
4. Manoj Kumar Uppadhyay son of Shri K.L.Sharma, aged about 44 years, resident of JNV Campus, Dausa, Rajasthan. At present working on the post of TGT (Maths), Jawahar Navodaya Vidyalaya (JNV) Dausa.
5. Pyarelal Meena son of Shri Badrilal Meena, aged about 41 years, resident of JNV Campus, Dausa, Rajasthan. At present working on the post of TGT (Hindi), Jawahar Navodaya Vidyalaya (JNV) Dausa.
6. Shyam Narayan Tripathi son of Shri Raghav Saran Tripathi, aged about 43 years, resident of JNV Campus, Dholpur, Rajasthan. At present working on the post of PGT (Geography), Jawahar Navodaya Vidyalaya (JNV) Dholpur.
7. Amar Singh son of Shri Parasram, aged about 40 years, resident of JNV Campus, Sawaimadhopur, Rajasthan. At present working on the post of TGT (Hindi), Jawahar Navodaya Vidyalaya (JNV) Sawaimadhopur.

...Applicants

(By Advocate: Shri Dharendra Singh for Shri Ashok Bansal)

VERSUS

1. Union of India through its Secretary, Ministry of Human Resources Development, Department of School Education and Literacy, New Delhi.

(2)

2. Commissioner, Navodaya Vidyalaya Samiti, An Autonomous Organization under the Ministry of Human Resources Development of School Education, B-15, Institutions, 4-B Nagar Sector 62, Noida (UP).
3. Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, 18, Sangram Colony, Mahaveer Marg, C Scheme, Jaipur.

....Respondents

(By Advocate: Shri Hawa Singh)

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

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

"It is, therefore, prayed that in view of the facts and grounds mentioned above, the respondents may be directed to fix the pay and pay scale of the applicants on the post of TGT/PGT equivalent to the pay and pay scale prevailing as on 1.1.2006 as the minimum of the pay scale which was granted to the entrants who were appointed on or after 1.1.2006.

That the respondents may be directed to grant benefit of pay and pay scale as per the judgment pronounced by the Hon'ble CAT Chandigarh in similarly situated persons.

That the respondents may further be directed to make necessary corrections in the pay and pay scale of the applicants at par with the minimum of the pay scale which was allowed to the new entrants who are admittedly junior to the applicants.

That the respondents may further be directed to pay all arrears and interest after giving benefit of stepping up.

Any other relief which this Hon'ble Tribunal may deem fit in favour of the applicant."

(3)

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)

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 applicants, 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 applicants but the exercise with regard to their 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 applicants' 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

/kdr/