

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/241/2018

DATE OF ORDER: 04.01.2019

CORAM

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

Prem Singh Sekhawat S/o Shri Hawa Singh Sekhawat, Aged 40 years, Byecaste Sekkhawat, R/o Jodhpur House, Civil Lines, Alwar (Rajasthan).

(Presently working as PGT (Maths) under respondent No. 3).

....Applicant

Mr. Hemant Taylor, proxy for
Mr. M.S. Godara, counsel for applicant.

VERSUS

1. Kendriya Vidhyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi – 110016 – Through its Commissioner.
2. Deputy Commissioner, Kendriya Vidhyalaya Sangathan, Regional Office, 92 Gandhi Nagar Marg, Bajaj Nagar, Jaipur-302015 (Rajasthan).
3. Principal, Kendriya Vidhyalaya, Alwar (Rajasthan).

....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) That this application may kindly be allowed and

(ii) That the orders dated 29.03.2011 (Annex. A/2) may be quashed and set aside and also the order dated 31.01.2012 (Annexure-A/3) and Annex. A/1 dated 12.09.2017 may be quashed and set aside by declaring the same illegal to the extent it is lowering down the pay of the applicant from Rs. 13,350/- to 12,840/- w.e.f. 01.01.2006.

(iii) That the respondents may be directed to allow the applicant to continue with basic pay of Rs. 13,350/-

with Grade Pay of Rs. 4,800/- w.e.f. 01.01.2006 and accordingly allow the benefits of subsequent pay fixation to the applicant with all consequential benefits and with interest @ 9% upon arrear.

(iv) That the recovered amount of Rs. 47,668/- may be ordered to be refunded with interest @ 9% per annum.

(v). Any other relief which this Hon'ble Tribunal deems just and proper in favour of the applicants may be passed."

2. At the very outset, Mr. Hawa Singh, 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. Shri Hawa Singh, learned counsel for the respondents has further pointed out that following the aforesaid decision of the Government of India, Ministry of Finance, the Kendriya Vidyalaya Sangathan has issued the directions to all Regional Offices and ZIETs vide letter No. 110239/52/2018/KVS (HQ)/Budget dated 29.10.2018 to examine and decide such cases of pay anomalies in the light of aforesaid decision of the Government of India.

4. The Office Memorandum dated 28th September, 2018 issued by the Government of India, Ministry of Finance and letter dated 29.10.2018 issued by Kendriya Vidyalaya Sangathan as produced by learned counsel for the respondents are taken on record.

5. Shri Hemant Taylor, appearing as proxy for Shri M.S. Godara, 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 29.10.2018 issued by Kendriya Vidyalaya Sangathan 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 29.10.2018 issued by Kendriya Vidyalaya Sangathan 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