

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/98/2018

DATE OF ORDER: 04.01.2019

CORAM

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

Surendra Kumar Kanava S/o Shri Balu Ram Kanava, aged about 48 years, resident of Kendriya Vidyalaya Indrapura, Tehsil Udaipurwati, District Jhunjhunu and presently working as Librarian, (TGT), Kendriya Vidyalaya Indrapura, Tehsil Udaipurwati, District Jhunjhunu.

....Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Kendriya Vidyalaya Sangathan, through its Joint Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi – 110602.
2. Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi – 110602.
3. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, 92, Gandhi Nagar, Marg, Bajaj Nagar, Jaipur-302015.
4. Principal, Kendriya Vidyalaya Indrapura, Tehsil Udaipurwati, District Jhunjhunu.

....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 respondents may be directed to allow pay & allowances Rs. 12540 + grade pay Rs. 4600 w.e.f. 01/01/2006 instead of 2007 with due pay fixation / increment and further benefit by quashing letter dated 14/12/2017 (Annexure-A/1) with all consequential benefits.

- (ii) That respondents be further directed to refund Rs. 97,233 alongwith interest at the market rate after due fixation of pay w.e.f. 01/01/2006 in the entry scale of Rs. 12540 with grade pay Rs. 4600 with due increment w.e.f. 1st July of year to year with further benefits by quashing orders dated 12/11/2013 and 04/12/2013 (Annexure- A/3 & A/4) and recovery order dated 03/02/2014 (Annexure- A/5) and to hold good pay fixation allowed vide order dated 23/10/2009 (Annexure- A/2) with all consequential benefits.
- (iii) Any other order / directions of relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.
- (iv) That the costs of this application may be awarded. "

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 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. 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