

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA. 350/00284/2016

Date of order: 14.11.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Tapan Kumar Giri, aged about 59 years, son
Of late Sudhir Kumar Giri, residing at – Flat
No. 3B, Umiya Tower, 70/A, Bhattacharjee
Para, Lalkuthi, Barrackpore, Kolkata-
700120, District- North 24 Parganas, West
Bengal.

... Applicant.

-Versus-

1. The Union of India, represented by the
Secretary, Ministry of Human Resource
Development, Government of India,
Department of School Education &
Literacy, UT- 2 Section, Ground Floor, B-
Wing, Shastri Bhawan, New Delhi-
110001.
2. The Union of India, represented by the
Secretary, Ministry of Finance,
Government of India, North Block, New
Delhi- 110001.
3. The Union of India, represented by the
Secretary, Ministry of Personnel, Public
Grievances & Pensions, Government of
India, Department of Personnel &
Training, New Delhi- 110001.
4. The Chairman, Central Board of
Secondary Education, Shiksha Kendra, 2,
Community Centre, Preet Vihar, Delhi-
110092.

5. The Commissioner, Kendriya Vidyalaya Sangathan, having its Head Quarters at No. 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi- 110016.

6. The Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Kolkata Region, EB Block, Laboni, Sector-1, Saltlake, Kolkata- 700064.

... Respondents.

For the Applicant : Mr. S. Chatterjee, Counsel

For the Respondents : Mr. R. N. Bag, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard both.

2. It seems that a single applicant, supposedly a teaching staff under the respondents, has come up with a grievance that he has not been extended the benefit of ACP/MACP Scheme.

3. Ld. Counsel for respondents invited our attention to the reply filed by them wherein they have categorically stated that General Secretary of the Teachers Union of KVS recognized Association (AIKVTU) vide letter dated 04.08.2003 (A-13) had chosen to remain in the existing time bound promotion for grant of senior and selection scale, scheme i.e. three tier pay scale instead of ACP Scheme and accordingly the MHRD was apprised of the opinion of the Teachers Association.

4. A communication dated 01.07.2013 indicates that KVS has been making all out effort, to get the approval of the Ministry for extension of MACPs Scheme (introduced w.e.f. 01.09.2008 replacing erstwhile ACP Scheme) but the matter is still pending with the Ministry.

5. Ld. Counsel for respondents also pointed out that pursuant to the proposal mooted by KVP on 08.11.2017 the Joint Commissioner (Pers.) had referred the matter to the Deputy Secretary (UT-2), MHRD to review the decision taken by Govt. of India for extension of MACP to the Teaching category employees of KVS, that

"KVS would like to draw the attention of the Ministry of HRD towards the major and justified demand of the teaching category employees of KVS i.e. extension of the benefit of MACPS to them. The decision of Govt. of India, denying the extension of the benefits of MACPs to the teaching category employees of KVS, as conveyed vide MHRD letter N. F. 3-18/2010-UT-2 dated 15.07.2013, 09.04.2015 and 13.04.2017 has created unrest among the teaching category employees who are significantly contributing in imparting quality education to more than 12 lakhs students all over the country. The staff associations are pressing hard KVS for early release of MACP benefits to the teaching category employees.

xxxxxxxxx

xxxxxxxxx

xxxxxxxxx

(a) Background

xxxxxxxxx

xxxxxxxxx

xxxxxxxxx

The matter was again taken up by KVS with the Ministry of HRD requesting them to reconsider their decision. The MHRD after re-examination of the matter with Ministry of Finance vide its latest communication No. F. 3-18/2010 UT-2 dated 09.04.2015 has reiterated their earlier decision.

Thereafter vide KVS letter 31.03.2016 a detailed proposal with new facts was resubmitted by KVS with the MHRD requesting therein to review their decision and extend the benefits of MACPs. The proposal was resubmitted on the analogy of schools of other organization of Central Govt. as stated in the proposal. The Ministry of HRD, after examining the matter, vide their letter dated 13.04.2017 conveyed that the proposal of KVS for extending the MACP Scheme to the teachers of KVS can not be acceded to."


It is submitted that no decision is taken by the Ministry as yet.

6. It is explicitly evident that the employees have no right to select or elect to remain in the three tier system or to adopt the ACP/MACP, unless the scheme itself is adopted by the employer for the said category of employees.

7. In the present case, we note that the respondents have already adopted the MACP Scheme for non-teaching staff and the teaching staff have already voiced their grievance for introduction of MACP which is evident from Annexure A-8 to the OA. Therefore adoption of MACP for teaching staff should not be a bar.


8. In the aforesaid backdrop, we feel, it appropriate to dispose of the OA with a direction upon the respondent authorities to appropriately liaise with the Ministry in regard to extension of MACP Scheme to the teaching staff and get it expedited so that a decision is taken by the Ministry as expeditiously as possible preferably within 6 months, which shall then govern the entitlement of the present applicant and the like.

Accordingly, this OA would stand disposed of. No costs.



(Dr. Nandita Chatterjee)
Member (A)

pd



(Bidisha Banerjee)
Member (J)