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CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

No. O.A. 351/00141/AN/2015

Date of order: 4.9.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Shaktipada Bagchi,
Son of Late Lakhan Chandra Bagchi,
Aged about 57 years,
Residing at Government Quarter No.SP-10,
Sadipur, Port Blair,
District - South Andaman - 744 106 and
Working to the post of Librarian Gr. II
In the Government Senior Secondary School,
South Point, Port Blair
Under the Director of Education,
Andaman & Nicobar Administration,
Port Blair.

& 61 ors.

.. Applicant

- V E R S U S -

1. Union of India,
Service through the Secretary,
Government of India,
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi - 110 001.
2. The Secretary,
Government of India,
Ministry of Human Resource Development,
Department of Education,
Shastri Bhawan,
New Delhi - 110 001.
3. The Lieutenant Governor,
Andaman & Nicobar Islands, Raj Niwas,
Port Blair - 744 101
4. The Chief Secretary,
Andaman & Nicobar Administration,
Port Blair - 744 101
5. The Principal Secretary (Education),
Andaman & Nicobar Administration,
Port Blair - 744 101
6. The Director of Education,
Andaman & Nicobar Administration,

VIP Road, Port Blair - 744 101.

.. Respondents

For the Applicants : Mr. P.C. Das, Counsel
Ms. T. Maity, Counsel

For the Respondents : Mr. S.K. Ghosh, Counsel

O R D E R (Oral)

Per Mr. Justice G. Rajasuria, Judicial Member:

Heard Ld. Counsel for both sides.

2. This O.A. has been filed seeking the following reliefs:-

"a) Leave may be granted to the applicants to file this application jointly under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 as the applicants have a common grievance.

b) To pass an appropriate order directing upon the respondent No. 1 and 2 to give necessary approval in favour of the applicants to the Andaman & Nicobar Administration in respect of extend the benefit of Grade Pay of Rs. 4600/- with effect from 1.1.2006 to the post of Librarian Grade-II those who are working in the Education Department under Andaman & Nicobar Administration are entitled to the benefit of Grade Pay of Rs. 4600/- with effect from 1.1.2006 in terms of several recommendations made by the Education Department including the clarifications also sent by the Andaman & Nicobar Administration before the Ministry of Human Resource Development, Government of India as well as Ministry of Finance, Department of Expenditure vide office letters dated 10th March, 2006, 25th August, 2009, 15th December, 2009, 28th March, 2010 (Annexure A-11), 12th May, 2010 (Annexure A-14), 12th September, 2011 (Annexure A-18), 30th May, 2012 (Annexure A-21), 30th August, 2013 (Annexure A-24), 10th October, 2013 (Annexure A-26) and 15th April, 2006 (Annexure A-28) of this original application of the Andaman & Nicobar Administration in favour of the applicants;

c) To pass an appropriate order directing upon the respondent authority to give the benefit of Grade Pay of Rs. 4600/- under Part 'B' of CCS (Revised Pay) Rules, 2008 under 6th Central Pay Commission with effect from 1.1.2006 in favour of the applicants along with all consequential benefits which has already granted to the Miscellaneous Teachers including Librarian working in Government of NCT, Delhi, Kendriya Vidyalaya Sangathan and Novadaya Vidyalaya Samiti, an automous organization under Ministry of Human Resource Development with effect from 1.1.2006.

d) To declare that holding the post of Librarian Gr. II those who are working under the Miscellaneous Category Teachers in terms

of letter dated 16th March, 2009 of the Andaman & Nicobar Administration are entitled to Grade Pay of Rs. 4600/- with effect from 1.1.2006 in terms of Part 'B' of CCS (Revised Pay) Rules, 2008 under 6th Central Pay Commission."

3. The Ld. Counsel for the respondents is present and he prays for filing a detailed reply.

4. The Ld. Counsel for the applicant refers to the averments in the O.A. as well as the annexures appended to the O.A. to the effect that Andaman & Nicobar Administration recommended the case of the applicants who are Librarian at the entry grade level for upgradation to PB Rs. 9300-34800/- with Grade Pay of Rs. 4600/- from Grade Pay of Rs. 4200/-. There were correspondence between the Andaman & Nicobar Administration and the HRD Ministry, in fact, the HRD Ministry asked for certain clarifications for which the former respondents positively answered. Despite that there is no response.

5. Ld. Counsel for the applicant also would draw our attention to Annexure A-15 and point out that in NCT i.e. National Capital Territory the entry grade for Librarian post carries the pay scale of Rs. 9300-34800/- with Grade Pay of Rs. 4600/-. Presumably that pay scale refers to PB 2 carrying Grade Pay of Rs. 4600/-.

6. He would also state that the Union Territory of Pondicherry also extended the same benefit to Librarian Gr. II. Accordingly, he would pray for a suitable direction.

7. The Ld. Counsel for the respondents would submit that HRD Ministry is in active consideration of the matter and they would take a decision shortly.

8. As such, without deciding the matter on merits at this stage we would give the following direction:-



The HRD Ministry, respondent No. 2, shall consider the matter as expeditiously as possible preferably within a period of two months and communicate its decision to the A&N Administration and in turn the A&N Administration shall inform it to the applicant immediately thereafter.

9. Ordered accordingly.

(Jaya Das Gupta)
MEMBER (A)

(G. Rajasuria)
MEMBER(J)

SP