

**Central Administrative Tribunal
Principal Bench: New Delhi.**

O.A No. 3286/2013

Reserved on: 27.02.2019
Pronounced on: 13.05.2019

**Hon'ble Sh. V. Ajay Kumar, Member (J)
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Harihar Prasad Mohanty,
s/o late Nishamani Mohanty
Working as Office Superintendent in
Jawahar Navodaya Vidyalaya,
At-Salboni, PO Dhanpur,
Distt. Mayurbhanj, Odisha.
 2. Siridi Suryanarayan Dora,
S/o late S. Danpapani Dora,
Working as Office Superintednent in
Jawahar Navodaya Vidyalaya
At-Fertilizer Corporation of India,
PO Vikrampur, Distt. Angul,
Odisha.
- ...Applicants

(By Advocate: Shri Ranjit Sharma)

Versus

1. Union of India through
Secretary,
Ministry of Human Resource Development,
Government of India,
New Delhi.
 2. The Secretary,
Ministry of Finance,
Govt. of India, New Delhi.
 3. The Commissioner,
Navodaya Vidyalaya Samiti,
B-15, Industrial Area, Sector 62,
NOIDA (UP).
- ...Respondents

(By Advocate: Shri S. Rajappa)

O R D E R

By Hon'ble Ms. Aradhana Johri, Member (A):

The applicants are Office Superintendent (OS) in the Vidyalaya Cadre of the Navodaya Vidyalaya Samiti (NVS). Till 5th Central Pay Commission (CPC), OSs were given a higher grade than Assistants/Audit Assistants, but after the 6th CPC's recommendations, there was merger of Grades and all these cadres were given the pay scale of Rs.9300-34800 + GP of Rs.4200/-.

2. It is the contention of the applicants that Assistants/Audit Assistants are the feeder posts for OS and, therefore, it will cause functional disturbance if they all are kept in the same grade. They have claimed that the job of OS is much higher than that of Assistants/Audit Assistants. Due to this grievance, the applicants had filed OA No. 3172/2010, which was disposed of by this Tribunal, vide order dated 04.11.2011, directing the respondents to pass order on the representations of the applicants. Thereafter, the respondent no.3-NVS passed order No.F.11-28/2010-NVS(Estt.)/1895 dated 04.10.2012 (Annexure P-4), which is impugned in this OA.

3. The applicants have sought the following reliefs:-

- i. *That the Hon'ble Tribunal may be graciously pleased to quash the order dated 04.10.2012 passed by the respondent no.3.*
- ii. *To direct the respondents to grant higher pay scales with grade pay of Rs.4600/- to the OS w.e.f. 01.01.2006 with all consequential benefits.*
- iii. *To direct the respondents to revise the recruitment rule of NVS and make provision of promotion of OS to the post of Assistant Commissioner (Admn.) at par with Section Officer of NVS.*
- iv. *Any other relief (s) which the Hon'ble Tribunal deem fit and proper may be granted to the applicants.*

4. The respondents have denied the claims of the applicants stating that Assistants/Audit Assistants are borne on the Hqrs./Regional Offices Cadre of NVS whereas OSs are borne on the Vidyalaya Cadre of NVS. The respondents have further stated that Assistants/Audit Assistants are the feeder cadre of Section Officer (SO) and not the feeder cadre of OS, though they are entitled to compete for the post of OS through LDE. The post of SO carries the grade pay of Rs.4600/-. It is contended that OSs are borne on Vidyalaya Cadre of NVS and the feeder cadre for the said post is UDC, which is in the pay scale of Rs.5200-20200 + GP of Rs.2400/-. The respondents have also pointed that the duties of Assistants/Audit Assistants are much higher than those of OSs since they handle policy

matters for whole of the organization, whereas OSs are limited only to the filed units. The respondents averred that the Pay Commission's recommendations are only related to replacement of existing pay scales carried by a particular post and it has no bearing with regard to functions, duties, responsibilities, accountabilities etc. attached to the post. Therefore, they have asserted that no functional disturbance is caused by merging pay scales and placing Assistants/Audit Assistants in the pay scale of OS.

5. Heard Shri Ranjit Sharma, learned counsel for the applicants and Sh. S. Rajappa, learned counsel for the respondents.

6. We have also perused Annexure P-1, which carries various posts and pay scales of NVS. It is clear from this document that there are two separate cadres – the first of Hqrs./Regional Offices Cadre and the second of Vidyalaya Cadre. Assistants/Audit Assistants are borne on the Hqrs./Regional Offices Cadre whereas OSs are borne on the Vidyalaya Cadre. It is also seen that UDC is the feeder post of OS whereas Assistants/Audit Assistants are the feeder posts of SO. Therefore, there is no functional disturbance by giving the same grade since these two categories of posts are not directly in the feeder cadre of

each other. In fact OSs are entitled to compete through LDE for the post of SO which is in the pay scale of Rs.9300-34800 + GP of Rs.4600/-. Therefore, no case can be made out for equating the scale and grade pay of OS with that of SO.

7. On perusal of duties & responsibilities also, it cannot be said that functions/duties of the OS are higher than that of Assistants/Audit Assistants since former is limited to the field units whereas the latter assist in policy matters of the whole organization. Therefore, we cannot agree with the contentions of the applicants.

8. In view of the above, we find no merit in this OA and the same is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(V. Ajay Kumar)
Member (J)

/Ahuja/