

2

1

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.2559 OF 2003

New Delhi, this the 21st day of July, 2004

HON'BLE SHRI SHANKER RAJU, MEMBER (J)
HON'BLE SHRI S.A. SINGH, MEMBER (A)

R.G. Nangia
s/o Shri Navneet Ram Nangia
R/o 7/11 East Patel Nagar,
New Delhi.

....Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Commissioner (Admn)
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
2. Dy. Commissioner (Admn)
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
3. Principal
Kendriya Vidyalaya Sangathan, (S.P. Marg)
Gole Market,
New Delhi.
4. Asstt. Commissioner (D.R.)
JNU Campus, N.M. Road,
New Delhi.

.....Respondents

(By Advocate : Shri S. Rajappa)

ORDER (ORAL)

SHRI SHANKER RAJU, MEMBER (J):-

Heard learned counsel of the parties.

2. In this OA, the applicant is claiming re-fixation of his pay and working out pensionary benefits by adding stagnation increment by following part of the pay.


3. The learned counsel of the applicant contends that in the light of clarification No.13

under FR 27 issued by the Ministry of Finance on 3.7.1987 all the Central Government employees who have opted for CCS (RP) Rules, 1986 the maximum of whose pay scale does not exceed Rs.6700 and who may reach the maximum of their revised scale of pay shall be granted one stagnation increment on completion of every 2 years at the maximum of the respective scales. The Stagnation Increment shall be equivalent to the rate of the increment last drawn by them in their pay scales and shall be treated as Personal Pay. The OM dated 3.7.1987 has not been found valid and by the subsequent decision of the Ministry of Finance of 30.11.1988, it has been clarified that the benefit of stagnation increment will be admissible in the pre-revised non-functional selection grade which has been allowed so on personal pay. Had the applicant been granted the stagnation increment, his pay would have been fixed and also consequential benefits would have been affected his pensionary benefits as well.

4. On the other hand, the learned counsel for the respondents by referring to CCS (Revised Pay) Rules, 1986 stated that having opted for the revised pay the applicant has already been granted three stagnation increments and, therefore on revised pay, he is not entitled to any stagnation increment.

5. Having regard to the clarification issued by the Ministry of Finance which was a conscious decision taking into consideration the revised pay

rules. in the light of the above UM, this UA is disposed of with a direction to the respondents to reconsider the issue of grant of stagnation increment, revision of pay of the applicant and consequential pensionary benefits in the light of the UM mentioned above. This direction shall be complied with within a period of three months from the date of receipt of a copy of this order. No costs.


(S.A. SINGH)
MEMBER (A)


(SHANKER RAJU)
MEMBER (J)

/ravi/