

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BENGALURU**

**ORIGINAL APPLICATION NO.170/00292/2018**

**DATED THIS THE 3<sup>rd</sup> DAY OF OCTOBER, 2019**

**HON'BLE DR.K.B.SURESH  
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)  
...MEMBER(A)**

Shri M.B. Sannkki,  
S/o Baburao,  
Aged about 48 years,  
Occn: TGT (Hindi)  
Jawahar Navodaya Vidyalaya(JNV) ,  
Kyarakoppa Road,  
Dharwad District-580 007.  
Residing at JNV Campus,  
Dharwad: -580 007.

...Applicant

(By Advocate Shri P.A. Kulkarni)

Vs.

1. Union of India,  
Represented by its Secretary,  
Ministry of Human Resources Development,  
(Department of School Education and Literacy),  
Government of India,  
North Block, New Delhi-110 001.

2. The Commissioner,  
Navodaya Vidyalaya Samithi,  
B-15 Institutional Area, Sector 62,  
Noida -201 307  
District Gautam Budh Nagar(U.P).

3. The Deputy Commissioner,  
Navodaya Vidyalaya Samithi,  
Hyderabad Region,  
N.L.I Buildings, Nallagundla Road,  
Post & Village: Gopanpally,  
Rangareddy District,  
Hyderabad-500 107,  
Telangana State.

4. The Principal,  
Jawahar Navodaya Vidyalaya(JNV) ,  
Kyarakoppa Road,  
Dharwad District-580 007.

5.Smt Latha N.V,  
TGT Hindi,  
Jawahar Navodaya Vidyalaya(JNV) ,  
Kannur-670 001,  
Kerala State.

...Respondents

(By Standing Counsel Shri M. Rajakumar for Respondents)

**O R D E R (ORAL)**

**HON'BLE DR.K.B.SURESH** .....**...MEMBER(J)**

Heard. The only question is interpretation of Note-10 of Rule-7 of which we quote:

*"Note 10- In cases where a senior Government servant promoted to a higher post before the 1<sup>st</sup> day of January, 2006 draws less pay in the revised pay structure than his junior who is promoted to the higher post on or after the 1<sup>st</sup> day o, January 2006, the pay in the pay band of the senior Government servant should be stepped up to an amount equal to the pay in the pay band as fixed for his junior in that higher post. The stepping up should be done with effect from the date of promotion of the junior Government servant subject to the fulfilment of the following conditions, namely:-*

*(a) Both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.*  
*(b) The pre-revised scale of pay and the revised grade pay of the lower and higher posts in which they are entitled to draw pay should be identical.*  
*(c) The senior Government servants at the time of promotion should have been drawing equal or more pay than the junior.*  
*(d) The anomaly should be directly as a result of the application of the provisions of Fundamental Rule 22 or any other rule or order regulating pay fixation on such promotion in the revised pay structure. If even in the lower post, the junior officer was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him, provision of this Note need not be invoked to step up the pay of the senior officer."*

2. The indicative word is "senior Government servant". Even though the applicant may be appointed earlier and confirmed earlier, he had been shown in the seniority list at Sl.No.68, whereas the person with whom parity is claimed, is

at Sl.No.67. So, without any doubt, applicant is junior and not senior, as provided under Note-10 of Rule-7, But then we also would say that an anomaly had arisen herein. But then, that anomaly has to be corrected by questioning the seniority list and not in a proceeding like this. Without first correcting the seniority and becoming senior, the applicant cannot claim parity.

3. Therefore, we grant liberty to the applicant. But hold that OA lacks merit. Dismissed. No costs.

(C.V. SANKAR)  
MEMBER(A)

(DR.K.B.SURESH)  
MEMBER(J)

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**Annexures referred in O.A. No. 170/00292/2018**

Annexure-A1: Copy of Pay Fixation memo in respect of applicant as per CCS (RP) Rules 2008 (6<sup>th</sup> CPC).

Annexure-A2: Copy of Pay Fixation memo in respect of R-5 as per CCS (RP) Rules 2008 (6<sup>th</sup> CPC).

Annexure-A3: Copy of Impugned order dated 16.6.2017.

**Annexures referred by the Rejoinder**

Annexure-RJ1: Copy of Extract of Rule 7 of CCS (RP) Rules 2008.

Annexure RJ2-Offer of appointment letter dated 30.09.1993.

Annexure RJ3-Confirmation order.

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