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LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CALCUTTA BENCH, CALCUTTA

O. A. No. 351/000 836 /AN/ of 2018

IN THE MATTER OF:

1. **VINAY GOPAL**, son of Raja Gopal, aged about 35 years, residing at V&V Bhavan, Nayabasti, Bambooflat, Port Blair- 744106 and working to the post of Craft Instructor in the Government Senior Secondary School, Wimberlygunj, South Andaman, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair;
2. **ARUN KUMAR BAKSHI**, son of S.C. Bakshi, residing at near Government Middle school, Dollygunj, Port Blair- 744103 and working to the post of Craft Instructor in the office of Deputy education Officer, South Andaman, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.
3. **SHABID HUSSAIN KHAN**, son of Ahmed Hussain, residing at C-15, Tushnabad, South Andaman -744103 and working to the post of Craft Instructor in the Government Model Senior Secondary

School, Aberdeen Bazar, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.

4. **PAYAL**, daughter of Hari Ram, residing at Sunrise Colony, Dudhline, Port Blair and working to the post of Craft Instructor in the Government Model Senior Secondary School, Aberdeen Bazar, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.

5. **GEETA DEVI**, daughter of Nathuni Prasad, residing at C/o. Suresh Kumar Babjee, Royal colony, Dollygunj, Gunj-744103 and working to the post of Craft Instructor in the office of the Deputy Education Officer, South Andaman, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.

6. **SABINA JALAL**, daughter of Jalaluddin, residing at Government Senior Secondary School, Mohanpura, Port Blair and working to the post of Craft Instructor in the Government Senior Secondary School, Mohanpura, Port Blair under the

Director of Education, Andaman & Nicobar Administration, Port Blair.

7. **ANURADHA MISHRA**, daughter of S. Happy, residing at 31/5 J.G. Colony, Junglighat, Port Blair -744101 and working to the post of Craft Instructor in the Government Secondary School, Haddo (T&E), Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.
8. **RINA PANDEY**, daughter of S. B. Singh, residing at C/o. D. K. Pandey, House No. 11, Hudco Colony, School Line, Port Blair -744103 and working to the post of Craft Instructor in the Government Senior Secondary School (Hindi Medium), Haddo, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.
9. **VIKASH PRASAD**, son of Thomson Prasad, residing at 4th Cross Road, Junglighat, Port Blair- 744103 and working to the post of Craft Instructor in the office of Deputy Director (Adult Education), Shiksha Sadan, Port Blair

under the Director of Education, Andaman & Nicobar Administration, Port Blair.

10. **SUMAN KUMAR HALDER**, son of K. K. Halder, residing at C/o. Bhagirat Roy, PGT, Deen Street, Junglighat, Port Blair - 744103 and working to the post of Craft Instructor in the Government Boys Senior Secondary School, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.

11. **JACINTA EKKA**, daughter of Late Patras Ekka, residing at Ranchi Basti, school Line, Junglighat, Port Blair -744103 and working to the post of Craft Instructor in the Government Secondary School, Mohanpura, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.

12. **ANURADHA GANESHAN**, daughter of K. Ganeshan, residing at Andaman Express, Post Box No. 167, Port Blair and working to the post of Craft Instructor in the Government Model Senior Secondary School, Aberdeen Bazar, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.

13. ASHUTOSH MISHRA, son of R.P.

Mishra, residing at Flat No. B-12, Block - 'B', D&K City, Minnie Bay, Port Blair - 744103 and working to the post of Craft Instructor in the Government Senior Secondary School, Havelock, South Andaman under the Director of Education, Andaman & Nicobar Administration, Port Blair.

14. SHIV NARAYAN, son of Venkateshwar

Rao, residing at Shorepoint, Bambooflat, South Andaman -744103 and working to the post of Craft Instructor in the Government Secondary School, J/T Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.

15. S.L. VINJIT, son of A. Sasi, residing at

Saraswathi Furniture Mart, Dairy Farm Junction, Junglighat, Port Blair -744103 and working to the post of Craft Instructor in the office of Deputy Education Officer, Wimberlygunj, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.

16. **S. P. PAUL**, son of N.P. Paul, residing at Citizen Colony, Lambatine, Port Blair-744103 and working to the post of Craft Instructor in the Government Boys' Senior Secondary School, Port Blair under the Director of Education, Andaman & Nicobar Administration, Port Blair.

...Applicants

-Versus-

1. **UNION OF INDIA**, service through the Secretary, Government of India, Ministry of Home Affairs, North Block, Central Secretariat, New Delhi- 110001.
2. **THE SECRETARY**, Government of India, Ministry of Human Resource Development, Department of Education, Shastri Bhawan, New Delhi- 110001
3. **THE LIEUTENANT GOVERNOR**, Andaman & Nicobar Islands, Raj Niwas, Port Blair-744101 ;
4. **THE CHIEF SECRETARY**, Andaman & Nicobar Administration, Port Blair-744101;

5. **THE PRINCIPAL SECRETARY (EDUCATION),**
Andaman & Nicobar Administration, Port Blair-
744101;

6. **THE DIRECTOR OF EDUCATION,** Andaman &
Nicobar Administration, VIP Road, Port Blair-744101;

7. **THE SECRETARY,** Ministry of Finance,
Government of India, Department of Expenditure,
North Block, New Delhi-110001.

... Respondents



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

Date of order: 06.09.2019

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

OA. 351/836/2018
MA. 351/419/2018

Vinay Gopal & Ors.

OA. 351/1110/2018

Shaktipada Bagchi
Vs.
Education (A&N Admn.)

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

For the Respondents : Mr. R. Halder, Counsel
Mr. T. Lall, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, JM:

Heard Ld. Counsel for both the parties.

2. This O.A. has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

"a. Leave be granted to move the instant application jointly under rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

b. To pass an appropriate order directing upon the Government of India, Ministry of Human Resource Development, Department of School Education and Literacy, UT-1 Section to modify the office order No. F. No. 1-3/2009 U.T.I. dated 20th January, 2016 along with office order F. No. 1-3/2009 U.T.I dated 20th January, 2016 to the extent that the grant of Higher Grade Pay of Rs. 4600/- in respect of the Craft Instructor will be given effect to with effect from 01.01.2006 along with all consequential benefits and further directed the said respondents to clarify that the applicants are entitled the aforesaid Grade Pay in terms of the recommendation of the

6th Central Pay Commission which will be given effect to with effect from 01.01.2006 along with all consequential benefits being Annexure A-32 of this Original Application and to direct upon the Ministry of Finance to modify order dated 18.11.2016 to the extent that all the applicants are entitle the above Grade Pay, w.e.f./ 01.01.2016;

c. To pass an appropriate order directing upon the Government of India, Ministry of Human Resource Development, Department of School Education & Literacy, UT-1 Section to modify the office order No. F. No. 1-3(3)/Estt/Edn/CCA/2008/PF/5189 dated 1st December, 2016 along with office order F. No. 1-3/2009 U.T.I dated 21st November, 2016 to the extent that benefit of Higher Grade Pay Band of Rs. 9300-34800 will be given effect to with effect from 01.01.2006 along with all consequential benefits by modifying the aforesaid office orders in favour of the applicants.

d. To pass an appropriate order directing upon the respondent nos. 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 01.01.2006 to the post of Craft Instructor 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 01.01.2006 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.

e. 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 01.01.2006 in favour of the applicants along with all consequential benefits which has already granted to the Miscellaneous Teachers

including Craft Instructor working in Government of NCT, Delhi, Kendriya Vidyalaya Sangathan and Novadaya Vidyalaya Samiti, an autonomous organization under Ministry of Human Resource Development with effect from 01.01.2006.

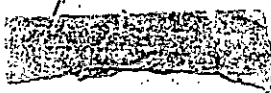
f. To declare that holding the post of Craft Instructor those who are working under the Miscellaneous Category Teachers in terms of letter dated 16th March, 2009 of the Andaman & Nicobar Administration are entitled to Grade Pay of Rs. 4600/- with effect from 01.01.2006 in terms of Part 'B' of CCS (Revised Pay) Rules, 2008 under 6th Central pay Commission with effect from 01.01.2006.."


3. At hearing, Ld. Counsel for the applicants prayed for identical direction as in OA. 161 of 2015 and for liberty of this Tribunal to ventilate the applicants' grievance before the HRD Ministry.

4. As such, having heard Ld. Counsel for the applicants upon perusing the materials placed on record, we dispose of this O.A. giving liberty to the applicants to prefer a comprehensive representation before the respondent no. 2 within a period of 15 days from the date of receipt of copy of this order. The applicants may furnish a copy of this O.A. before the authority along with their representations, within a period of 15 days from the date of receipt of this order. The competent authority in the Ministry of HRD while considering the representation of the applicants may accord them an opportunity of being heard by fixing the date of hearing so as to enable them to establish their case before the authority, upon due notice and shall dispose it of by a reasoned and speaking order within a period of six months from the date of receipt of the representation. The decision, arrived at, shall be communicated to the applicant forthwith.

5. With the above direction, the O.A. stands disposed of. There shall be no order as to costs. However, the applicants shall bear individual court fees.

6. Registry is directed to hand over copies of this order to Ld. Counsel for both the parties.


(Dr. Nandita Chatterjee)
Member (A)


(Bidisha Banerjee)
Member (J)

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